

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 65

HOUSE BILL 2206

AN ACT

AMENDING SECTIONS 13-1418, 28-3005, 28-3153, 28-3315, 32-3251, 32-3252, 32-3253, 32-3261, 32-3262, 32-3271, 32-3272, 32-3273, 32-3274, 32-3282, 32-3283, 32-3284, 32-3286, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311 AND 32-3313, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-3281, 32-3294, 32-3302 AND 32-3312, ARIZONA REVISED STATUTES; REPEALING TITLE 32, CHAPTER 33, ARTICLE 8, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 33, ARTICLE 3, ARIZONA REVISED STATUTES, TO "LICENSURE"; AMENDING TITLE 32, CHAPTER 33, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-3275 THROUGH 32-3280; AMENDING TITLE 32, CHAPTER 33, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-3281; AMENDING TITLE 32, CHAPTER 33, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 8; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1418, Arizona Revised Statutes, is amended to
3 read:

4 13-1418. Sexual misconduct; behavioral health professionals;
5 classification

6 A. A behavioral health professional certified LICENSED pursuant to
7 title 32, chapter 33 or a psychiatrist or psychologist licensed pursuant to
8 title 32, chapter 13, 17 or 19.1 commits sexual misconduct by intentionally
9 or knowingly engaging in sexual intercourse with a patient CLIENT who is
10 currently under the care or supervision of the certified LICENSED behavioral
11 health professional, psychiatrist or psychologist.

12 B. Sexual misconduct by a certified LICENSED behavioral health
13 professional, psychiatrist or psychologist is a class 6 felony.

14 C. This section does not apply to any act of sexual conduct that
15 occurs between a certified LICENSED behavioral health professional,
16 psychiatrist or psychologist and a patient CLIENT after the patient CLIENT
17 has completed a course of treatment or if the patient CLIENT is not under the
18 care of the certified LICENSED behavioral health professional, psychiatrist
19 or psychologist.

20 Sec. 2. Section 28-3005, Arizona Revised Statutes, is amended to read:

21 28-3005. Medical or psychological reports; immunity;
22 definitions

23 A. A physician, psychologist or certified substance abuse counselor
24 who provides information to the director in good faith and at the written
25 request of a driver license applicant or licensee concerning a person's
26 medical or psychological condition with respect to operation of a motor
27 vehicle is immune from personal liability with respect to the information
28 provided.

29 B. Notwithstanding the physician-patient or psychologist-client
30 confidentiality relationship, a physician or psychologist may voluntarily
31 report a patient to the department who has a medical or psychological
32 condition that in the opinion of the physician or psychologist could
33 significantly impair the person's ability to safely operate a motor vehicle.
34 If a report is made, the physician or psychologist shall make the report in
35 writing, including the name, address and date of birth of the patient. On
36 receipt of the report, the department may require an examination of the
37 person reported in the manner provided by section 28-3314. A person shall
38 not bring an action against a physician or psychologist for not making a
39 report pursuant to this subsection. The physician or psychologist submitting
40 the report in good faith is immune from civil or criminal liability for
41 making the report pursuant to this subsection. The physician's or
42 psychologist's report is subject to subpoena or order to produce in an action
43 except an action against the physician or psychologist submitting the report.

C. In this section:

~~2.~~ 1. "Medical or psychological condition" means a condition that could affect a person's functional ability to safely operate a motor vehicle.

~~3.~~ 2. "Physician" means a medical doctor, optometrist, chiropractor, naturopathic physician, doctor of osteopathy or doctor of homeopathy who is licensed to practice in this state or another state or who is employed by the federal government and practicing in this state or their agents.

~~4.~~ 3. "Psychologist" means a person who is licensed pursuant to title 32, chapter 19.1, who is licensed to practice psychology in another state or who is employed by the federal government and practicing in this state.

~~1.~~ 4. "Certified Substance abuse counselor" means a person who is certified LICENSED by the board of behavioral health examiners in this state, who is LICENSED OR certified in another state, who is certified by a board for certification of addiction counselors, who is a nationally certified addiction counselor or who is employed by the federal government and practicing in this state.

Sec. 3. Section 28-3153, Arizona Revised Statutes, is amended to read:

28-3153. Driver license issuance; prohibitions

A. The department shall not issue the following:

1. A driver license to a person who is under eighteen years of age, except that the department may issue:

(a) A restricted instruction permit for a class D or G license to a person who is at least fifteen years of age.

(b) An instruction permit for a class D, G or M license as provided by this chapter to a person who is at least fifteen years and seven months of age.

(c) A class G or M license as provided by this chapter to a person who is at least sixteen years of age.

2. A class D, G or M license or instruction permit to a person who is under eighteen years of age and who has been tried in adult court and convicted of a second or subsequent violation of criminal damage to property pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a felony offense in the commission of which a motor vehicle is used, including theft of a motor vehicle pursuant to section 13-1802, unlawful use of means of transportation pursuant to section 13-1803 or theft of means of transportation pursuant to section 13-1814, or who has been adjudicated delinquent for a second or subsequent act that would constitute criminal damage to property pursuant to section 13-1602, subsection A, paragraph 1 or adjudicated delinquent for an act that would constitute a felony offense in the commission of which a motor vehicle is used, including theft of a motor vehicle pursuant to section 13-1802, unlawful use of means of transportation pursuant to section 13-1803 or theft of means of transportation pursuant to section 13-1814, if committed by an adult.

1 3. A class A, B or C license to a person who is under twenty-one years
2 of age, except that the department may issue a class A, B or C license that
3 is restricted to only intrastate driving to a person who is at least eighteen
4 years of age.

5 4. A license to a person whose license or driving privilege has been
6 suspended, during the suspension period.

7 5. Except as provided in section 28-3315, a license to a person whose
8 license or driving privilege has been revoked.

9 6. A class A, B or C license to a person who has been disqualified
10 from obtaining a commercial driver license.

11 7. A license to a person who on application notifies the department
12 that the person is an alcoholic as defined in section 36-2021 or a drug
13 dependent person as defined in section 36-2501, unless the person
14 successfully completes the medical screening process pursuant to section
15 28-3052 or submits a medical examination report that includes a current
16 evaluation from a certified substance abuse counselor indicating that, in the
17 opinion of the counselor, the condition does not affect or impair the
18 person's ability to safely operate a motor vehicle.

19 8. A license to a person who has been adjudged to be incapacitated
20 pursuant to section 14-5304 and who at the time of application has not
21 obtained either a court order that allows the person to drive or a
22 termination of incapacity as provided by law.

23 9. A license to a person who is required by this chapter to take an
24 examination unless the person successfully passes the examination.

25 10. A license to a person who is required under the motor vehicle
26 financial responsibility laws of this state to deposit proof of financial
27 responsibility and who has not deposited the proof.

28 11. A license to a person if the department has good cause to believe
29 that the operation of a motor vehicle on the highways by the person would
30 threaten the public safety or welfare.

31 12. A license to a person whose driver license has been ordered to be
32 suspended pursuant to section 25-518.

33 B. The department shall not issue a driver license to or renew the
34 driver license of the following persons:

35 1. A person about whom the court notifies the department that the
36 person violated the person's written promise to appear in court when charged
37 with a violation of the motor vehicle laws of this state until the department
38 receives notification in a manner approved by the department that the person
39 appeared either voluntarily or involuntarily or that the case has been
40 adjudicated, that the case is being appealed or that the case has otherwise
41 been disposed of as provided by law.

42 2. If notified pursuant to section 28-1601, a person who fails to pay
43 a civil penalty as provided in section 28-1601, except for a parking
44 violation, until the department receives notification in a manner approved
45 by the department that the person paid the civil penalty, that the case is

1 being appealed or that the case has otherwise been disposed of as provided
2 by law.

3 C. The magistrate or the clerk of the court shall provide the
4 notification to the department prescribed by subsection B of this section.

5 D. Notwithstanding any other law, the department shall not issue to
6 or renew a driver license or nonoperating identification license for a person
7 who does not submit proof satisfactory to the department that the applicant's
8 presence in the United States is authorized under federal law. The director
9 shall adopt rules necessary to carry out the purposes of this subsection. The
10 rules shall include procedures for:

11 1. Verification that the applicant's presence in the United States is
12 authorized under federal law.

13 2. Issuance of a temporary driver permit pursuant to section 28-3157
14 pending verification of the applicant's status in the United States.

15 Sec. 4. Section 28-3315, Arizona Revised Statutes, is amended to read:
16 28-3315. Period of suspension, revocation or disqualification:

17 unlicensed drivers

18 A. The department shall not suspend, revoke or disqualify a driver
19 license or privilege to drive a motor vehicle on the public highways for more
20 than one year from the date of a conviction or judgment, if any, against a
21 person for which this chapter makes revocation, suspension or
22 disqualification mandatory or from the date the notice is sent pursuant to
23 section 28-3318 if no conviction was involved, except as permitted under
24 subsection E of this section and sections 28-1383, 28-3312, 28-3319, 28-3320
25 and 28-3473.

26 B. A person whose license or privilege to drive a motor vehicle on the
27 public highways has been revoked may apply for a new license as provided by
28 law after the cause of the revocation is removed or after expiration of the
29 revocation period prescribed by law. After the department investigates an
30 applicant's driving record in this state or another state by examining
31 department records or other sufficient evidence to determine that all
32 withdrawal actions are complete, that the applicant has not committed any
33 traffic violations within twelve months preceding application and that all
34 other statutory requirements are satisfied, the department may issue a new
35 license.

36 C. The department shall not accept an application for reinstatement
37 of a driver license until after the twelve month period prescribed in
38 subsection B of this section has elapsed.

39 D. If the revocation is related to alcohol or other drugs, the person
40 shall provide the department with a current evaluation from a physician
41 licensed pursuant to title 32, chapter 13, 17 or 29, a psychologist licensed
42 pursuant to title 32, chapter 19.1 or a certified substance abuse counselor
43 as defined in section 28-3005 indicating that, in the opinion of the
44 physician, psychologist or counselor, the condition does not affect or impair
45 the person's ability to safely operate a motor vehicle. For the purposes of

1 reinstating a license or driving privilege pursuant to this article, the
2 department may rely on the opinion of a physician licensed pursuant to title
3 32, chapter 13, 17 or 29, a psychologist licensed pursuant to title 32,
4 chapter 19.1 or a certified substance abuse counselor as defined in section
5 28-3005.

6 E. Notwithstanding subsections A and B of this section:

7 1. A person whose license or privilege to drive is revoked pursuant
8 to section 28-1383, subsection J or section 28-3304, subsection A, paragraph
9 1 or 9 is not entitled to have the person's license or privilege renewed or
10 restored for three years.

11 2. A person whose license or privilege to drive is revoked pursuant
12 to section 13-1209 is not entitled to have the person's license or privilege
13 renewed or restored for the period of time ordered by the court.

14 3. A person whose license, permit or privilege to drive is revoked
15 pursuant to section 28-661, subsection E is not entitled to have the person's
16 license, permit or privilege renewed or restored for five years.

17 4. A person whose license, permit or privilege to drive is revoked
18 pursuant to section 28-661, subsection F is not entitled to have the person's
19 license, permit or privilege renewed or restored for three years.

20 F. Except as provided in section 28-3473, if an unlicensed driver
21 commits an offense for which a driver license could be suspended, revoked or
22 disqualified, the department shall not accept the unlicensed driver's
23 application for a driver license for a period equal to the period of time
24 that applies to a driver with a license. If the offense is one for which a
25 driver license could be revoked, the department shall not accept the
26 unlicensed driver's application for a driver license unless it investigates
27 the character, habits and driving ability of the person and is satisfied that
28 it is safe to grant the privilege of driving a motor vehicle on the public
29 highways.

30 G. The expiration of a person's license during the period of time it
31 is under suspension, revocation or disqualification does not invalidate or
32 terminate the suspension, revocation or disqualification.

33 H. A person whose license or privilege to drive a motor vehicle on the
34 public highways has been suspended pursuant to section 28-3306, subsection
35 A, paragraph 5 or section 28-3314 may apply for a new license as provided by
36 law after the cause for suspension is removed or after expiration of the
37 suspension period prescribed by law if both of the following conditions are
38 met:

39 1. The department is satisfied, after reviewing the medical condition
40 and driving ability of the person, that it is safe to grant the person the
41 privilege of driving a motor vehicle on the public highways.

42 2. If the person has a medical condition related to alcohol or other
43 drugs, the person provides the department with a current evaluation form from
44 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
45 psychologist licensed pursuant to title 32, chapter 19.1 or a certified

1 substance abuse counselor as defined in section 28-3005 indicating that, in
2 the opinion of the physician, psychologist or counselor, the condition does
3 not affect or impair the person's ability to operate a motor vehicle in a
4 safe manner.

5 Sec. 5. Section 32-3251, Arizona Revised Statutes, is amended to read:

6 32-3251. Definitions

7 In this chapter, unless the context otherwise requires:

8 1. "Board" means the board of behavioral health examiners.

9 2. ~~"Counseling principles, methods, procedures and services" includes~~
10 ~~counseling, appraisal, evaluation, assessment of dysfunctional behavior,~~
11 ~~consulting, referral, education or research.~~

12 2. "CLIENT" MEANS A PATIENT WHO RECEIVES BEHAVIORAL HEALTH SERVICES
13 FROM A PERSON LICENSED PURSUANT TO THIS CHAPTER.

14 3. "Credentialing committee" means a committee established pursuant
15 to this chapter.

16 4. ~~"Independent social work practice" means both private,~~
17 ~~self-employed practice on a fee for service basis by an individual social~~
18 ~~worker or as part of a group practice and autonomous self-regulated practice~~
19 ~~by a social worker under the auspices of a public or private agency or~~
20 ~~facility.~~

21 5. ~~"Practice of marital and family therapy" means the professional~~
22 ~~application of marital and family theories and techniques in the diagnosis~~
23 ~~and treatment of mental and emotional conditions in individuals, couples and~~
24 ~~families and involves the presence of a diagnosed mental or physical disorder~~
25 ~~in at least one member of the couple or family being treated. Practice of~~
26 ~~marital and family therapy includes the use of psychotherapy to diagnose,~~
27 ~~evaluate and treat individuals, couples, families and groups.~~

28 6. ~~"Practice of professional counseling" means the professional~~
29 ~~application of counseling principles, methods, procedures and services to~~
30 ~~assist individuals, couples, families and groups to achieve interpersonal,~~
31 ~~intrapersonal, social, educational or vocational development and adjustment~~
32 ~~and to promote optimal mental health. Practice of professional counseling~~
33 ~~includes the use of psychotherapy to diagnose, evaluate and treat~~
34 ~~individuals, couples, families and groups.~~

35 7. ~~"Practice of social work" means professional services that are~~
36 ~~developed to effect change in human behavior, emotional responses and social~~
37 ~~conditions of individuals, couples, families, groups and communities and that~~
38 ~~involve specialized knowledge and skill related to human development,~~
39 ~~including an understanding of unconscious motivation, the potential for human~~
40 ~~growth, the availability of social resources and knowledge of social~~
41 ~~systems. Practice of social work includes:~~

42 (a) ~~The use of psychotherapy for the purpose of diagnosis, evaluation~~
43 ~~and treatment of individuals, couples, families and groups.~~

44 (b) ~~Social planning, administration and research for community social~~
45 ~~services delivery systems.~~

1 ~~8. "Practice of substance abuse counseling" means the direct~~
2 ~~application of professional counseling techniques to persons who are~~
3 ~~dependent on or abuse substances and to persons who are affected by that~~
4 ~~dependency or abuse. Practice of substance abuse counseling includes the use~~
5 ~~of psychotherapy for the purpose of diagnosis, evaluation and treatment of~~
6 ~~substance abuse and chemical dependency in individuals, couples, families and~~
7 ~~groups.~~

8 4. "LETTER OF CONCERN" MEANS A NONDISCIPLINARY WRITTEN DOCUMENT SENT
9 BY THE BOARD TO NOTIFY A LICENSEE THAT, WHILE THERE IS INSUFFICIENT EVIDENCE
10 TO SUPPORT DISCIPLINARY ACTION, THE BOARD BELIEVES THAT CONTINUATION OF THE
11 ACTIVITIES THAT LED TO THE INVESTIGATION MAY RESULT IN FURTHER BOARD ACTION
12 AGAINST THE LICENSEE.

13 5. "LICENSEE" MEANS A PERSON LICENSED PURSUANT TO THIS CHAPTER.

14 6. "PRACTICE OF BEHAVIORAL HEALTH" MEANS THE PRACTICE OF MARRIAGE AND
15 FAMILY THERAPY, PROFESSIONAL COUNSELING, SOCIAL WORK AND SUBSTANCE ABUSE
16 COUNSELING PURSUANT TO THIS CHAPTER.

17 7. "PRACTICE OF MARRIAGE AND FAMILY THERAPY" MEANS THE PROFESSIONAL
18 APPLICATION OF FAMILY SYSTEMS THEORIES, PRINCIPLES AND TECHNIQUES TO TREAT
19 INTERPERSONAL RELATIONSHIP ISSUES AND NERVOUS, MENTAL AND EMOTIONAL DISORDERS
20 THAT ARE COGNITIVE, AFFECTIVE OR BEHAVIORAL. THE PRACTICE OF MARRIAGE AND
21 FAMILY THERAPY INCLUDES:

22 (a) ASSESSMENT, APPRAISAL AND DIAGNOSIS.

23 (b) THE USE OF PSYCHOTHERAPY FOR THE PURPOSE OF EVALUATION, DIAGNOSIS
24 AND TREATMENT OF INDIVIDUALS, COUPLES, FAMILIES AND GROUPS.

25 8. "PRACTICE OF PROFESSIONAL COUNSELING" MEANS THE PROFESSIONAL
26 APPLICATION OF MENTAL HEALTH, PSYCHOLOGICAL AND HUMAN DEVELOPMENT THEORIES,
27 PRINCIPLES AND TECHNIQUES TO:

28 (a) FACILITATE HUMAN DEVELOPMENT AND ADJUSTMENT THROUGHOUT THE HUMAN
29 LIFE SPAN.

30 (b) ASSESS AND FACILITATE CAREER DEVELOPMENT.

31 (c) TREAT INTERPERSONAL RELATIONSHIP ISSUES AND NERVOUS, MENTAL AND
32 EMOTIONAL DISORDERS THAT ARE COGNITIVE, AFFECTIVE OR BEHAVIORAL.

33 (d) MANAGE SYMPTOMS OF MENTAL ILLNESS.

34 (e) ASSESS, APPRAISE, EVALUATE, DIAGNOSE AND TREAT INDIVIDUALS,
35 COUPLES, FAMILIES AND GROUPS THROUGH THE USE OF PSYCHOTHERAPY.

36 9. "PRACTICE OF SOCIAL WORK" MEANS THE PROFESSIONAL APPLICATION OF
37 SOCIAL WORK THEORY, PRINCIPLES, METHODS AND TECHNIQUES TO:

38 (a) TREAT MENTAL AND EMOTIONAL DISORDERS.

39 (b) ASSIST INDIVIDUALS, FAMILIES, GROUPS AND COMMUNITIES TO ENHANCE
40 OR RESTORE THE ABILITY TO FUNCTION PHYSICALLY, SOCIALLY, EMOTIONALLY,
41 MENTALLY AND ECONOMICALLY.

42 (c) ASSESS, APPRAISE, DIAGNOSE, EVALUATE AND TREAT INDIVIDUALS,
43 COUPLES, FAMILIES AND GROUPS THROUGH THE USE OF PSYCHOTHERAPY.

1 10. "PRACTICE OF SUBSTANCE ABUSE COUNSELING" MEANS THE PROFESSIONAL
2 APPLICATION OF GENERAL COUNSELING THEORIES, PRINCIPLES AND TECHNIQUES AS
3 SPECIFICALLY ADAPTED, BASED ON RESEARCH AND CLINICAL EXPERIENCE, TO THE
4 SPECIALIZED NEEDS AND CHARACTERISTICS OF PERSONS WHO ARE EXPERIENCING
5 SUBSTANCE ABUSE, CHEMICAL DEPENDENCY AND RELATED PROBLEMS AND TO THE FAMILIES
6 OF THOSE PERSONS. THE PRACTICE OF SUBSTANCE ABUSE COUNSELING INCLUDES THE
7 FOLLOWING AS THEY RELATE TO SUBSTANCE ABUSE AND CHEMICAL DEPENDENCY ISSUES:

8 (a) ASSESSMENT, APPRAISAL AND DIAGNOSIS.

9 (b) THE USE OF PSYCHOTHERAPY FOR THE PURPOSE OF EVALUATION, DIAGNOSIS
10 AND TREATMENT OF INDIVIDUALS, COUPLES, FAMILIES AND GROUPS.

11 9- 11. "Psychotherapy" means a variety of treatment methods
12 developing out of generally accepted theories about human behavior and
13 development.

14 10- 12. "Unprofessional practice CONDUCT" includes THE FOLLOWING,
15 WHETHER OCCURRING IN THIS STATE OR ELSEWHERE:

16 (a) Conviction of a felony. CONVICTION BY A COURT OF COMPETENT
17 JURISDICTION OR A PLEA OF NO CONTEST IS CONCLUSIVE EVIDENCE OF THE
18 CONVICTION.

19 (b) Use of fraud or deceit in connection with rendering services as
20 a ~~certified behavioral health professional~~ LICENSEE or in establishing
21 qualifications pursuant to this chapter.

22 (c) ANY ORAL OR WRITTEN MISREPRESENTATION OF A FACT BY AN APPLICANT
23 OR LICENSEE:

24 (i) TO SECURE OR ATTEMPT TO SECURE THE ISSUANCE OR RENEWAL OF A
25 LICENSE.

26 (ii) IN ANY STATEMENTS PROVIDED DURING AN INVESTIGATION OR
27 DISCIPLINARY PROCEEDING BY THE BOARD.

28 (iii) REGARDING THE LICENSEE'S SKILLS OR THE VALUE OF ANY TREATMENT
29 PROVIDED OR TO BE PROVIDED.

30 (d) ANY FALSE, FRAUDULENT OR DECEPTIVE STATEMENT CONNECTED WITH THE
31 PRACTICE OF BEHAVIORAL HEALTH, INCLUDING FALSE OR MISLEADING ADVERTISING BY
32 THE LICENSEE OR THE LICENSEE'S STAFF OR A REPRESENTATIVE COMPENSATED BY THE
33 LICENSEE.

34 (e) SECURING OR ATTEMPTING TO SECURE THE ISSUANCE OR RENEWAL OF A
35 LICENSE BY KNOWINGLY TAKING ADVANTAGE OF THE MISTAKE OF ANOTHER PERSON OR THE
36 BOARD.

37 ~~(c) (f) ACTIVE habitual intemperance in the use of narcotics, alcohol~~
38 ~~or drugs to the extent that performance of professional duties is impaired~~
39 OR ACTIVE HABITUAL SUBSTANCE ABUSE.

40 (g) USING A CONTROLLED SUBSTANCE THAT IS NOT PRESCRIBED FOR USE DURING
41 A PRESCRIBED COURSE OF TREATMENT.

42 ~~(d) (h) Obtaining a fee by fraud, DECEIT or misrepresentation.~~

43 ~~(e) Betraying a professional confidence.~~

44 ~~(f) Making use of statements of a character tending to deceive or~~
45 ~~mistlead the public.~~

1 ~~(g)~~ (i) Aiding or abetting a person who is not certified as a
2 behavioral health professional LICENSED pursuant to this chapter to purport
3 to be a certified LICENSED behavioral health professional in this state.

4 ~~(h)~~ Gross negligence in the practice of a behavioral health profession
5 by a certified behavioral health professional.

6 (j) CONDUCT THAT THE BOARD DETERMINES IS GROSS NEGLIGENCE OR REPEATED
7 NEGLIGENCE IN THE LICENSEE'S PROFESSION.

8 ~~(i)~~ (k) Any conduct or practice that is contrary to recognized
9 standards of ethics in the behavioral health profession or that constitutes
10 a danger to the health, welfare or safety of a client.

11 ~~(j)~~ (l) Any conduct, practice or condition that impairs the ability
12 of the certified behavioral health professional LICENSEE to safely and
13 competently practice that THE LICENSEE'S profession.

14 ~~(k)~~ (m) Engaging or offering to engage as a certified behavioral
15 health professional LICENSEE in activities that are not congruent with the
16 certified behavioral health professional's LICENSEE'S professional education,
17 training or experience.

18 ~~(l)~~ Violating any provision of this chapter or refusing or neglecting
19 to comply with rules adopted pursuant to this chapter or any lawful order of
20 the board or a credentialing committee.

21 (n) FAILING TO COMPLY WITH OR VIOLATING, ATTEMPTING TO VIOLATE OR
22 ASSISTING IN OR ABETTING THE VIOLATION OF ANY PROVISION OF THIS CHAPTER, ANY
23 RULE ADOPTED PURSUANT TO THIS CHAPTER, ANY LAWFUL ORDER OF THE BOARD, OR ANY
24 FORMAL ORDER, CONSENT AGREEMENT, TERM OF PROBATION OR STIPULATED AGREEMENT
25 ISSUED UNDER THIS CHAPTER.

26 (o) FAILING TO FURNISH INFORMATION WITHIN A SPECIFIED TIME TO THE
27 BOARD OR ITS INVESTIGATORS OR REPRESENTATIVES IF LEGALLY REQUESTED BY THE
28 BOARD.

29 (p) FAILING TO CONFORM TO MINIMUM PRACTICE STANDARDS AS DEVELOPED BY
30 THE BOARD.

31 (q) FAILING OR REFUSING TO MAINTAIN ADEQUATE RECORDS OF BEHAVIORAL
32 HEALTH SERVICES PROVIDED TO A CLIENT.

33 (r) PROVIDING BEHAVIORAL HEALTH SERVICES THAT ARE CLINICALLY
34 UNJUSTIFIED OR UNSAFE OR OTHERWISE ENGAGING IN ACTIVITIES AS A LICENSEE THAT
35 ARE UNPROFESSIONAL BY CURRENT STANDARDS OF PRACTICE.

36 (s) TERMINATING BEHAVIORAL HEALTH SERVICES TO A CLIENT WITHOUT MAKING
37 AN APPROPRIATE REFERRAL FOR CONTINUATION OF CARE FOR THE CLIENT IF CONTINUING
38 BEHAVIORAL HEALTH SERVICES ARE INDICATED.

39 (t) DISCLOSING A PROFESSIONAL CONFIDENCE OR PRIVILEGED COMMUNICATION
40 EXCEPT AS MAY OTHERWISE BE REQUIRED BY LAW OR PERMITTED BY A VALID WRITTEN
41 RELEASE.

42 (u) FAILING TO ALLOW THE BOARD OR ITS INVESTIGATORS ON DEMAND TO
43 EXAMINE AND HAVE ACCESS TO DOCUMENTS, REPORTS AND RECORDS IN ANY FORMAT
44 MAINTAINED BY THE LICENSEE THAT RELATE TO THE LICENSEE'S PRACTICE OF
45 BEHAVIORAL HEALTH.

1 (v) ANY SEXUAL CONDUCT BETWEEN A LICENSEE AND A CLIENT OR FORMER
2 CLIENT.

3 (w) PROVIDING BEHAVIORAL HEALTH SERVICES TO ANY PERSON WITH WHOM THE
4 LICENSEE HAS HAD SEXUAL CONTACT.

5 (x) EXPLOITING A CLIENT, FORMER CLIENT OR SUPERVISEE. FOR THE
6 PURPOSES OF THIS SUBDIVISION, "EXPLOITING" MEANS TAKING ADVANTAGE OF A
7 PROFESSIONAL RELATIONSHIP WITH A CLIENT, FORMER CLIENT OR SUPERVISEE FOR THE
8 BENEFIT OR PROFIT OF THE LICENSEE.

9 (y) ENGAGING IN A DUAL RELATIONSHIP WITH A CLIENT THAT COULD IMPAIR
10 THE LICENSEE'S OBJECTIVITY OR PROFESSIONAL JUDGMENT OR CREATE A RISK OF HARM
11 TO THE CLIENT. FOR THE PURPOSES OF THIS SUBDIVISION, "DUAL RELATIONSHIP"
12 MEANS A LICENSEE SIMULTANEOUSLY ENGAGES IN BOTH A PROFESSIONAL AND
13 NONPROFESSIONAL RELATIONSHIP WITH A CLIENT THAT IS AVOIDABLE AND NOT
14 INCIDENTAL.

15 (z) ENGAGING IN PHYSICAL CONTACT BETWEEN A LICENSEE AND A CLIENT IF
16 THERE IS A REASONABLE POSSIBILITY OF PHYSICAL OR PSYCHOLOGICAL HARM TO THE
17 CLIENT AS A RESULT OF THAT CONTACT.

18 (aa) SEXUALLY HARASSING A CLIENT, FORMER CLIENT, RESEARCH SUBJECT,
19 SUPERVISEE OR COWORKER. FOR THE PURPOSES OF THIS SUBDIVISION, "SEXUALLY
20 HARASSING" INCLUDES SEXUAL ADVANCES, SEXUAL SOLICITATION, REQUESTS FOR SEXUAL
21 FAVORS, UNWELCOME COMMENTS OR GESTURES OR ANY OTHER VERBAL OR PHYSICAL
22 CONDUCT OF A SEXUAL NATURE.

23 (bb) HARASSING, EXPLOITING OR RETALIATING AGAINST A CLIENT, FORMER
24 CLIENT, RESEARCH SUBJECT, SUPERVISEE, COWORKER OR WITNESS OR A COMPLAINANT
25 IN A DISCIPLINARY INVESTIGATION OR PROCEEDING INVOLVING A LICENSEE.

26 (cc) FAILING TO TAKE REASONABLE STEPS TO INFORM POTENTIAL VICTIMS AND
27 APPROPRIATE AUTHORITIES IF THE LICENSEE BECOMES AWARE DURING THE COURSE OF
28 PROVIDING OR SUPERVISING BEHAVIORAL HEALTH SERVICES THAT A CLIENT'S CONDITION
29 INDICATES A CLEAR AND IMMINENT DANGER TO THE CLIENT OR OTHERS.

30 (dd) FAILING TO COMPLY WITH THE LAWS OF THE APPROPRIATE LICENSING OR
31 CREDENTIALING AUTHORITY TO PROVIDE BEHAVIORAL HEALTH SERVICES BY ELECTRONIC
32 MEANS IN ALL GOVERNMENTAL JURISDICTIONS WHERE THE CLIENT RECEIVING THESE
33 SERVICES RESIDES.

34 (ee) GIVING OR RECEIVING A PAYMENT, KICKBACK, REBATE, BONUS OR OTHER
35 REMUNERATION FOR A REFERRAL.

36 (ff) FAILING TO REPORT IN WRITING TO THE BOARD INFORMATION THAT WOULD
37 CAUSE A REASONABLE LICENSEE TO BELIEVE THAT ANOTHER LICENSEE IS GUILTY OF
38 UNPROFESSIONAL CONDUCT OR IS PHYSICALLY OR MENTALLY UNABLE TO PROVIDE
39 BEHAVIORAL HEALTH SERVICES COMPETENTLY OR SAFELY. THIS DUTY DOES NOT EXTEND
40 TO INFORMATION PROVIDED BY A LICENSEE THAT IS PROTECTED BY THE BEHAVIORAL
41 HEALTH PROFESSIONAL-CLIENT PRIVILEGE UNLESS THE INFORMATION INDICATES A CLEAR
42 AND IMMINENT DANGER TO THE CLIENT OR OTHERS OR IS OTHERWISE SUBJECT TO
43 MANDATORY REPORTING REQUIREMENTS PURSUANT TO STATE OR FEDERAL LAW.

1 (gg) FAILING TO FOLLOW FEDERAL AND STATE LAWS REGARDING THE STORAGE,
2 USE AND RELEASE OF CONFIDENTIAL INFORMATION REGARDING A CLIENT'S PERSONAL
3 IDENTIFIABLE INFORMATION OR CARE.

4 (hh) FAILING TO RETAIN RECORDS PURSUANT TO SECTION 12-2297.

5 (ii) VIOLATING ANY FEDERAL OR STATE LAW, RULE OR REGULATION APPLICABLE
6 TO THE PRACTICE OF BEHAVIORAL HEALTH.

7 (jj) FAILING TO MAKE CLIENT RECORDS IN THE LICENSEE'S POSSESSION
8 AVAILABLE IN A TIMELY MANNER TO ANOTHER HEALTH PROFESSIONAL OR LICENSEE ON
9 RECEIPT OF PROPER AUTHORIZATION TO DO SO FROM THE CLIENT, A MINOR CLIENT'S
10 PARENT, THE CLIENT'S LEGAL GUARDIAN OR THE CLIENT'S AUTHORIZED
11 REPRESENTATIVE.

12 (kk) FAILING TO MAKE CLIENT RECORDS IN THE LICENSEE'S POSSESSION
13 PROMPTLY AVAILABLE TO THE CLIENT, A MINOR CLIENT'S PARENT, THE CLIENT'S LEGAL
14 GUARDIAN OR THE CLIENT'S AUTHORIZED REPRESENTATIVE ON RECEIPT OF PROPER
15 AUTHORIZATION TO DO SO FROM THE CLIENT, A MINOR CLIENT'S PARENT, THE CLIENT'S
16 LEGAL GUARDIAN OR THE CLIENT'S AUTHORIZED REPRESENTATIVE.

17 (ll) BEING THE SUBJECT OF THE REVOCATION, SUSPENSION, SURRENDER OR ANY
18 OTHER DISCIPLINARY SANCTION OF A PROFESSIONAL LICENSE, CERTIFICATE OR
19 REGISTRATION OR OTHER ADVERSE ACTION RELATED TO A PROFESSIONAL LICENSE,
20 CERTIFICATE OR REGISTRATION IN ANOTHER JURISDICTION OR COUNTRY, INCLUDING THE
21 FAILURE TO REPORT THE ADVERSE ACTION TO THE BOARD. THE ACTION TAKEN MAY
22 INCLUDE REFUSING, DENYING, REVOKING OR SUSPENDING A LICENSE OR CERTIFICATE,
23 THE SURRENDERING OF A LICENSE OR CERTIFICATE, OTHERWISE LIMITING, RESTRICTING
24 OR MONITORING A LICENSEE OR PLACING A LICENSEE ON PROBATION.

25 (mm) ANY SANCTION IMPOSED BY AN AGENCY OF THE FEDERAL GOVERNMENT THAT
26 INVOLVES RESTRICTING, SUSPENDING, LIMITING OR REMOVING THE LICENSEE'S ABILITY
27 TO OBTAIN FINANCIAL REMUNERATION FOR BEHAVIORAL HEALTH SERVICES.

28 (nn) VIOLATING THE SECURITY OF ANY LICENSURE EXAMINATION MATERIALS.

29 (oo) THE USE OF FRAUD OR DECEIT IN CONNECTION WITH TAKING OR ASSISTING
30 ANOTHER PERSON IN TAKING A LICENSURE EXAMINATION.

31 Sec. 6. Section 32-3252, Arizona Revised Statutes, is amended to read:

32 32-3252. Board of behavioral health examiners; appointment;
33 qualifications; terms; organization; compensation;
34 immunity

35 A. The board of behavioral health examiners is established consisting
36 of ~~two members~~ ONE PROFESSIONAL MEMBER from each credentialing committee
37 established pursuant to this chapter and eight FOUR public members appointed
38 by the governor.

39 B. Each PROFESSIONAL board member ~~shall be a resident of this state~~
40 ~~at the time of appointment. Representatives from credentialing committees~~
41 ~~shall be eligible to be certified pursuant to this chapter and shall have at~~
42 ~~least five years' experience in the practice of a behavioral health~~
43 ~~profession. Public members shall not be eligible for certification pursuant~~
44 ~~to this chapter~~ SHALL:

1 1. BE A RESIDENT OF THIS STATE FOR NOT LESS THAN ONE YEAR BEFORE
2 APPOINTMENT.

3 2. BE AN ACTIVE LICENSEE IN GOOD STANDING.

4 3. HAVE AT LEAST FIVE YEARS OF EXPERIENCE IN AN AREA OF BEHAVIORAL
5 HEALTH LICENSED PURSUANT TO THIS CHAPTER.

6 C. EACH PUBLIC MEMBER SHALL:

7 1. BE A RESIDENT OF THIS STATE FOR NOT LESS THAN ONE YEAR BEFORE
8 APPOINTMENT.

9 2. BE AT LEAST TWENTY-ONE YEARS OF AGE.

10 3. NOT BE OR HAVE EVER BEEN A BEHAVIORAL HEALTH PROFESSIONAL OR THE
11 SPOUSE OF A BEHAVIORAL HEALTH PROFESSIONAL.

12 4. NOT HAVE OR HAVE EVER HAD ANY FINANCIAL INTEREST IN THE PROVISION
13 OF BEHAVIORAL HEALTH SERVICES.

14 5. NOT HAVE ENGAGED IN ANY ACTIVITY DIRECTLY RELATED TO THE PRACTICE
15 OF BEHAVIORAL HEALTH.

16 D. The term of office of board members is three years to begin and
17 end on the third Monday in January. A member shall not serve more than two
18 full consecutive terms.

19 E. The board shall annually elect a chairman and
20 secretary-treasurer from its membership.

21 F. Board members are eligible to receive compensation as
22 determined pursuant to section 38-611 for each day actually and necessarily
23 spent in the performance of their duties.

24 G. Board members AND PERSONNEL are personally immune from suit
25 with respect to all acts done and actions taken in good faith and in
26 furtherance of the purposes of this chapter.

27 Sec. 7. Section 32-3253, Arizona Revised Statutes, is amended to read:
28 32-3253. Powers and duties

29 A. The board shall:

30 1. Adopt rules consistent with and necessary or proper to carry out
31 the purposes of this chapter.

32 2. Administer and enforce this chapter, rules adopted pursuant to this
33 chapter and orders of the board.

34 ~~3. Certify every qualified applicant who is recommended to the board~~
35 ~~for certification by the appropriate credentialing committee as a~~
36 ~~practitioner of the particular behavioral health profession regulated.~~

37 3. ISSUE A LICENSE BY EXAMINATION, RECIPROCITY OR TEMPORARY
38 RECOGNITION TO, AND RENEW THE LICENSE OF, EACH PERSON WHO IS QUALIFIED TO BE
39 LICENSED PURSUANT TO THIS CHAPTER.

40 4. Establish a certification LICENSURE fee schedule annually, by a
41 formal vote at a regular board meeting.

42 5. Collect fees AND SPEND MONIES.

43 6. Keep a record of all persons certified LICENSED pursuant to this
44 chapter, actions taken on all applications for certification LICENSURE,
45 actions involving renewal, suspension, revocation or denial of certificates

1 A LICENSE or probation of certified behavioral health professionals LICENSEES
2 and the receipt and disbursal of monies.

3 7. Adopt an official seal for attestation of certification LICENSURE
4 and other official papers and documents.

5 8. Employ temporary or permanent personnel as it deems necessary.

6 9. CONDUCT INVESTIGATIONS AND DETERMINE ON ITS OWN MOTION IF A
7 LICENSEE OR AN APPLICANT HAS ENGAGED IN UNPROFESSIONAL CONDUCT, IS
8 INCOMPETENT OR IS MENTALLY OR PHYSICALLY UNABLE TO ENGAGE IN THE PRACTICE OF
9 BEHAVIORAL HEALTH.

10 10. CONDUCT DISCIPLINARY ACTIONS PURSUANT TO THIS CHAPTER AND BOARD
11 RULES.

12 11. ESTABLISH AND ENFORCE STANDARDS OR CRITERIA OF PROGRAMS OR OTHER
13 MECHANISMS TO ENSURE THE CONTINUING COMPETENCE OF LICENSEES.

14 12. ESTABLISH AND ENFORCE COMPLIANCE WITH PROFESSIONAL STANDARDS AND
15 RULES OF CONDUCT FOR LICENSEES.

16 13. ENGAGE IN A FULL EXCHANGE OF INFORMATION WITH THE LICENSING AND
17 DISCIPLINARY BOARDS AND PROFESSIONAL ASSOCIATIONS FOR BEHAVIORAL HEALTH
18 PROFESSIONALS IN THIS STATE AND OTHER JURISDICTIONS.

19 ~~B. The board may conduct disciplinary hearings on credentialing~~
20 ~~committee findings involving disciplinary action and, on review of records,~~
21 ~~affirm, reverse, adopt, modify, supplement, amend or reject a credentialing~~
22 ~~committee's report in whole or in part.~~

23 B. THE BOARD MAY JOIN PROFESSIONAL ORGANIZATIONS AND ASSOCIATIONS
24 ORGANIZED EXCLUSIVELY TO PROMOTE THE IMPROVEMENT OF THE STANDARDS OF THE
25 PRACTICE OF BEHAVIORAL HEALTH, PROTECT THE HEALTH AND WELFARE OF THE PUBLIC
26 OR ASSIST AND FACILITATE THE WORK OF THE BOARD.

27 Sec. 8. Section 32-3261, Arizona Revised Statutes, is amended to read:

28 32-3261. Credentialing committees; appointment; qualifications;
29 terms; compensation; organization; immunity

30 A. The following credentialing committees are established:

- 31 1. Social work.
32 2. Counseling.
33 3. Marriage and family therapy.
34 4. Substance abuse counseling and treatment.

35 B. The governor shall appoint FOUR PROFESSIONAL members of AND ONE
36 PUBLIC MEMBER TO EACH credentialing committees COMMITTEE. ~~Each credentialing~~
37 ~~committee member shall be a resident of this state at the time of~~
38 ~~appointment. Each credentialing committee shall consist of not fewer than~~
39 ~~two nor more than four members who are eligible to be certified members of~~
40 ~~the profession being regulated and not fewer than one nor more than three~~
41 ~~public members who are not in any way connected with the practice of~~
42 ~~behavioral health. The governor shall determine the exact size of each~~
43 ~~credentialing committee after due consideration of the size of the~~
44 ~~credentialing committee necessary to carry out the duties prescribed in this~~
45 ~~chapter.~~

C. EACH PROFESSIONAL CREDENTIALING COMMITTEE MEMBER SHALL:

1. BE A RESIDENT OF THIS STATE FOR NOT LESS THAN ONE YEAR BEFORE APPOINTMENT.

2. BE AN ACTIVE LICENSEE IN GOOD STANDING.

3. HAVE AT LEAST FIVE YEARS OF EXPERIENCE IN AN AREA OF BEHAVIORAL HEALTH LICENSED PURSUANT TO THIS CHAPTER.

D. EACH PUBLIC MEMBER SHALL:

1. BE A RESIDENT OF THIS STATE FOR NOT LESS THAN ONE YEAR BEFORE APPOINTMENT.

2. BE AT LEAST TWENTY-ONE YEARS OF AGE.

3. NOT BE OR HAVE EVER BEEN A BEHAVIORAL HEALTH PROFESSIONAL OR THE SPOUSE OF A BEHAVIORAL HEALTH PROFESSIONAL.

4. NOT HAVE OR HAVE EVER HAD ANY FINANCIAL INTEREST IN THE PROVISION OF BEHAVIORAL HEALTH SERVICES.

5. NOT HAVE ENGAGED IN ANY ACTIVITY DIRECTLY RELATED TO THE PRACTICE OF BEHAVIORAL HEALTH.

~~E.~~ E. The term of office of credentialing committee members is three years to begin and end on the third Monday in January. A member shall not serve more than two full consecutive terms.

~~F.~~ F. Credentialing committee members are eligible to receive compensation as determined pursuant to section 38-611 for each day actually and necessarily spent in the performance of their duties.

~~G.~~ G. A credentialing committee shall annually elect a chairman and secretary-treasurer SECRETARY from its membership.

~~H.~~ H. Credentialing committee members are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this chapter.

Sec. 9. Section 32-3262, Arizona Revised Statutes, is amended to read:

32-3262. Credentialing committees; duties

~~A. A credentialing committee shall: develop an application process for certification, recommend applicants for certification to the board and inform the public of the individuals who are certified by the board as behavioral health professionals in the credentialing committee's profession.~~

1. ADMINISTER AND ENFORCE THIS CHAPTER, RULES ADOPTED PURSUANT TO THIS CHAPTER AND BOARD ORDERS.

2. REVIEW Licensure AND Licensure RENEWAL APPLICATIONS AND RECOMMEND THE APPROVAL OR DENIAL OF Licensure AND Licensure RENEWAL TO THE BOARD.

3. CONDUCT INVESTIGATIONS AND HEARINGS REGARDING CHARGES OF VIOLATIONS OF THIS CHAPTER AND BOARD RULES AND ORDERS AND MAKE RECOMMENDATIONS TO THE BOARD PURSUANT TO THIS CHAPTER.

~~B. A credentialing committee, on its own motion or on a complaint, may initiate an investigation regarding unprofessional practice by any behavioral health professional certified in the credentialing committee's profession. As part of its investigation a credentialing committee may hold a hearing pursuant to this chapter. If a credentialing committee holds a hearing it~~

1 ~~shall submit a report of its findings to the board within thirty days after~~
2 ~~the hearing.~~

3 ~~C. A credentialing committee may employ temporary or permanent~~
4 ~~personnel as it deems necessary.~~

5 Sec. 10. Heading change

6 The article heading of title 32, chapter 33, article 3, Arizona Revised
7 Statutes, is changed from "CERTIFICATION" to "LICENSURE".

8 Sec. 11. Section 32-3271, Arizona Revised Statutes, is amended to
9 read:

10 32-3271. Exceptions to licensure; jurisdiction

11 ~~A. This chapter shall DOES not be construed to limit services~~
12 ~~performed by a person who does not represent himself by any title specified~~
13 ~~in this chapter and who is APPLY TO:~~

14 ~~1. A licensed or certified health care professional acting within the~~
15 ~~scope of his license or certificate.~~

16 ~~1. A PERSON WHO IS CURRENTLY LICENSED, CERTIFIED OR REGULATED PURSUANT~~
17 ~~TO ANOTHER CHAPTER OF THIS TITLE AND WHO PROVIDES SERVICES WITHIN THE~~
18 ~~PERSON'S SCOPE OF PRACTICE IF THE PERSON DOES NOT CLAIM TO BE LICENSED~~
19 ~~PURSUANT TO THIS CHAPTER.~~

20 ~~2. A student, intern or trainee pursuing a course of study in~~
21 ~~behavioral health in a regionally accredited institution of higher education~~
22 ~~or training institution if his behavioral health activities are performed~~
23 ~~under qualified supervision and constitute a part of his supervised course~~
24 ~~of study.~~

25 ~~3. 2. Not A PERSON WHO IS NOT A resident of this state if he THE~~
26 ~~PERSON:~~

27 ~~(a) Performs behavioral health services in this state for not more~~
28 ~~than thirty NINETY days in any one calendar year and he AS PRESCRIBED BY~~
29 ~~BOARD RULE.~~

30 ~~(b) Is authorized to perform such THESE services pursuant to the laws~~
31 ~~of the state or country in which he THE PERSON resides OR PURSUANT TO THE~~
32 ~~LAWS OF A FEDERALLY RECOGNIZED TRIBE.~~

33 ~~(c) INFORMS THE CLIENT OF THE LIMITED NATURE OF THESE SERVICES AND~~
34 ~~THAT THE PERSON IS NOT LICENSED IN THIS STATE.~~

35 ~~4. 3. A rabbi, priest, minister or clergy of any religious~~
36 ~~denomination or sect if the activities and services he performs are within~~
37 ~~the scope of the performance of the regular or specialized ministerial duties~~
38 ~~of an established and legally recognizable church, denomination or sect and~~
39 ~~the person performing the services remains accountable to the established~~
40 ~~authority of the church, denomination or sect.~~

41 ~~5. Employed in a behavioral health agency licensed by the department~~
42 ~~of health services or the department of economic security unless the person~~
43 ~~is certified by the board.~~

44 ~~4. A MEMBER RUN SELF-HELP OR SELF-GROWTH GROUP IF NO MEMBER OF THE~~
45 ~~GROUP RECEIVES DIRECT OR INDIRECT FINANCIAL COMPENSATION.~~

1 5. A BEHAVIORAL HEALTH TECHNICIAN OR BEHAVIORAL HEALTH
2 PARAPROFESSIONAL WHO IS EMPLOYED BY AN AGENCY LICENSED BY THE DEPARTMENT OF
3 HEALTH SERVICES.

4 6. A PERSON CONTRACTING WITH THE SUPREME COURT OR A PERSON EMPLOYED
5 BY OR CONTRACTING WITH AN AGENCY UNDER CONTRACT WITH THE SUPREME COURT WHO
6 IS OTHERWISE INELIGIBLE TO BE LICENSED OR WHO IS IN THE PROCESS OF APPLYING
7 TO BE LICENSED UNDER THIS CHAPTER AS LONG AS THAT PERSON IS IN COMPLIANCE
8 WITH THE SUPREME COURT CONTRACT CONDITIONS REGARDING PROFESSIONAL COUNSELING
9 SERVICES AND PRACTICES ONLY UNDER SUPERVISION.

10 7. A PERSON EMPLOYED BY THE DEPARTMENT OF ECONOMIC SECURITY WHO
11 PRACTICES SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, SUBSTANCE ABUSE
12 COUNSELING, COUNSELING AND CASE MANAGEMENT WITHIN THE SCOPE OF THE PERSON'S
13 JOB DUTIES AND UNDER DIRECT SUPERVISION BY THE DEPARTMENT OF ECONOMIC
14 SECURITY.

15 8. A STUDENT, INTERN OR TRAINEE PURSUING A COURSE OF STUDY IN SOCIAL
16 WORK, COUNSELING, MARRIAGE AND FAMILY THERAPY, SUBSTANCE ABUSE COUNSELING OR
17 CASE MANAGEMENT IN A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION
18 OR TRAINING INSTITUTION IF THE PERSON'S ACTIVITIES ARE PERFORMED UNDER
19 QUALIFIED SUPERVISION AND ARE PART OF THE PERSON'S SUPERVISED COURSE OF
20 STUDY.

21 9. A PERSON PRACTICING SOCIAL WORK, COUNSELING AND CASE MANAGEMENT
22 EMPLOYED BY AN AGENCY LICENSED BY THE DEPARTMENT OF ECONOMIC SECURITY.

23 10. A PARAPROFESSIONAL EMPLOYED BY THE DEPARTMENT OF ECONOMIC SECURITY
24 OR BY AN AGENCY LICENSED BY THE DEPARTMENT OF ECONOMIC SECURITY.

25 B. A PERSON WHO PROVIDES SERVICES PURSUANT TO SUBSECTION A, PARAGRAPH
26 2 IS DEEMED TO HAVE AGREED TO THE JURISDICTION OF THE BOARD AND TO BE BOUND
27 BY THE LAWS OF THIS STATE.

28 Sec. 12. Section 32-3272, Arizona Revised Statutes, is amended to
29 read:

30 32-3272. Fees

31 A. ~~On recommendation of a credentialing committee~~ The board shall
32 establish and charge reasonable fees of not to exceed two hundred fifty
33 dollars for issuance and renewal of a ~~certificate granted to a certified~~
34 ~~behavioral health professional~~ LICENSE ISSUED PURSUANT TO THIS CHAPTER.

35 B. The board shall establish fees to produce monies that approximate
36 the cost of maintaining the board and the credentialing committees.

37 Sec. 13. Section 32-3273, Arizona Revised Statutes, is amended to
38 read:

39 32-3273. License renewal; continuing education

40 A. ~~Behavioral health professional certificates~~ A LICENSE issued
41 pursuant to this chapter are IS renewable biennially by paying the renewal
42 fee recommended by the appropriate credentialing committee and established
43 PRESCRIBED by the board and submitting evidence satisfactory to the
44 appropriate credentialing committee of completion of relevant continuing

1 education experience as determined by the appropriate credentialing committee
2 during the previous twenty-four month period.

3 B. ~~A credentialing committee~~ THE BOARD shall send notice in writing
4 of required relevant continuing education experience to ~~its certified~~
5 ~~behavioral health professionals~~ EACH LICENSEE at least ~~one year~~ NINETY DAYS
6 before the renewal date.

7 C. A LICENSEE MUST SATISFY THE CONTINUING EDUCATION REQUIREMENTS THAT
8 ARE PRESCRIBED BY THE BOARD BY RULE AND THAT ARE DESIGNED TO PROVIDE THE
9 NECESSARY UNDERSTANDING OF ETHICS, CULTURAL COMPETENCY, CURRENT DEVELOPMENTS,
10 SKILLS, PROCEDURES AND TREATMENTS RELATED TO BEHAVIORAL HEALTH AND TO ENSURE
11 THE CONTINUING COMPETENCE OF LICENSEES. THE BOARD SHALL ADOPT RULES TO
12 PRESCRIBE THE MANNER OF DOCUMENTING COMPLIANCE WITH THIS SUBSECTION.

13 Sec. 14. Section 32-3274, Arizona Revised Statutes, is amended to
14 read:

15 32-3274. Reciprocity

16 The board may issue a certificate LICENSE to a person in his THAT
17 PERSON'S particular behavioral health profession if he THE PERSON is
18 licensed, OR certified or registered in BY another state REGULATORY AGENCY
19 at an equivalent or higher practice level as determined by the board, and
20 pays the FEE prescribed fee BY THE BOARD AND MEETS ALL OF THE FOLLOWING
21 REQUIREMENTS:

22 1. SUBMITS A WRITTEN APPLICATION PRESCRIBED BY THE BOARD.

23 2. IS OF GOOD MORAL CHARACTER. THE BOARD'S STANDARD TO DETERMINE GOOD
24 MORAL CHARACTER SHALL NOT VIOLATE FEDERAL DISCRIMINATION LAWS.

25 3. DOCUMENTS TO THE BOARD'S SATISFACTION PROOF OF INITIAL LICENSURE
26 OR CERTIFICATION AT AN EQUIVALENT DESIGNATION FOR WHICH THE APPLICANT IS
27 SEEKING LICENSURE IN THIS STATE AND PROOF THAT THE LICENSE OR CERTIFICATE IS
28 CURRENT AND IN GOOD STANDING.

29 4. DOCUMENTS TO THE BOARD'S SATISFACTION PROOF THAT ANY OTHER LICENSE
30 OR CERTIFICATE ISSUED TO THE APPLICANT BY ANOTHER STATE HAS NOT BEEN
31 SUSPENDED OR REVOKED. IF A LICENSEE OR CERTIFICATE HOLDER HAS BEEN SUBJECTED
32 TO ANY OTHER DISCIPLINARY ACTION, THE BOARD MAY ASSESS THE MAGNITUDE OF THAT
33 ACTION AND MAKE A DECISION REGARDING RECIPROCITY BASED ON THIS ASSESSMENT.

34 5. MEETS ANY OTHER REQUIREMENTS PRESCRIBED BY THE BOARD.

35 Sec. 15. Title 32, chapter 33, article 3, Arizona Revised Statutes,
36 is amended by adding sections 32-3275 through 32-3280, to read:

37 32-3275. Requirements for licensure

38 AN APPLICANT FOR LICENSURE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

39 1. SUBMIT AN APPLICATION AS PRESCRIBED BY THE BOARD.

40 2. BE AT LEAST TWENTY-ONE YEARS OF AGE.

41 3. BE OF GOOD MORAL CHARACTER. THE BOARD'S STANDARD TO DETERMINE GOOD
42 MORAL CHARACTER SHALL NOT VIOLATE FEDERAL DISCRIMINATION LAWS.

43 4. PAY ALL APPLICABLE FEES PRESCRIBED BY THE BOARD.

1 5. HAVE THE PHYSICAL AND MENTAL CAPABILITY TO SAFELY AND COMPETENTLY
2 ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH.

3 6. NOT HAVE COMMITTED ANY ACT OR ENGAGED IN ANY CONDUCT THAT WOULD
4 CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSEE PURSUANT TO
5 THIS CHAPTER.

6 7. NOT HAVE HAD A PROFESSIONAL LICENSE OR CERTIFICATE REFUSED,
7 REVOKED, SUSPENDED OR RESTRICTED IN ANY REGULATORY JURISDICTION IN THE UNITED
8 STATES OR IN ANOTHER COUNTRY FOR REASONS THAT RELATE TO UNPROFESSIONAL
9 CONDUCT. IF THE BOARD FINDS THAT THE APPLICANT COMMITTED AN ACT OR ENGAGED
10 IN CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION IN THIS
11 STATE, THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT THE CONDUCT HAS
12 BEEN CORRECTED, MONITORED AND RESOLVED. IF THE MATTER HAS NOT BEEN RESOLVED,
13 THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT MITIGATING CIRCUMSTANCES
14 EXIST THAT PREVENT ITS RESOLUTION.

15 8. NOT HAVE VOLUNTARILY SURRENDERED A LICENSE OR CERTIFICATE IN
16 ANOTHER REGULATORY JURISDICTION IN THE UNITED STATES OR ANY OTHER COUNTRY
17 WHILE UNDER INVESTIGATION FOR CONDUCT THAT RELATES TO UNPROFESSIONAL CONDUCT.
18 IF ANOTHER JURISDICTION HAS TAKEN DISCIPLINARY ACTION AGAINST AN APPLICANT,
19 THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT THE CAUSE FOR THE ACTION
20 WAS CORRECTED AND THE MATTER RESOLVED. IF THE MATTER HAS NOT BEEN RESOLVED
21 BY THAT JURISDICTION, THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT
22 MITIGATING CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION.

23 9. NOT HAVE A COMPLAINT, ALLEGATION OR INVESTIGATION PENDING BEFORE
24 ANOTHER REGULATORY JURISDICTION IN THE UNITED STATES OR ANOTHER COUNTRY THAT
25 RELATES TO UNPROFESSIONAL CONDUCT. IF AN APPLICANT HAS ANY SUCH COMPLAINTS,
26 ALLEGATIONS OR INVESTIGATIONS PENDING, THE BOARD SHALL SUSPEND THE
27 APPLICATION PROCESS AND MAY NOT ISSUE OR DENY A LICENSE TO THE APPLICANT
28 UNTIL THE COMPLAINT, ALLEGATION OR INVESTIGATION IS RESOLVED.

29 32-3276. Notice of address and telephone number changes;
30 penalties

31 A. A LICENSEE MUST PROVIDE THE BOARD WITH THE LICENSEE'S CURRENT
32 RESIDENCE ADDRESS AND TELEPHONE NUMBER, OFFICE ADDRESS AND TELEPHONE NUMBER
33 AND PROMPTLY AND IN WRITING INFORM THE BOARD OF EACH CHANGE IN RESIDENCE
34 ADDRESS AND TELEPHONE NUMBER AND OFFICE ADDRESS AND TELEPHONE NUMBER.

35 B. THE BOARD MAY ASSESS THE COSTS INCURRED BY THE BOARD IN LOCATING
36 A LICENSEE AND IMPOSE A PENALTY OF NOT TO EXCEED ONE HUNDRED DOLLARS AGAINST
37 A LICENSEE WHO DOES NOT NOTIFY THE BOARD PURSUANT TO SUBSECTION A WITHIN
38 THIRTY DAYS AFTER THE CHANGE OF ADDRESS OR TELEPHONE NUMBER.

39 32-3277. Expired licenses; reinstatement

40 A. A PERSON WHO DOES NOT RENEW A LICENSE IS INELIGIBLE TO PRACTICE
41 PURSUANT TO THIS CHAPTER.

42 B. THE BOARD MAY REINSTATE AN EXPIRED LICENSE IF THE PERSON SUBMITS
43 AN APPLICATION FOR REINSTATEMENT WITHIN NINETY DAYS AFTER THE EXPIRATION OF
44 THE LICENSE. THE APPLICATION MUST DOCUMENT TO THE BOARD'S SATISFACTION THAT

1 THE APPLICANT HAS MET THE RENEWAL REQUIREMENTS PRESCRIBED BY THIS CHAPTER AND
2 INCLUDE A LATE RENEWAL PENALTY PRESCRIBED BY THE BOARD BY RULE.

3 32-3278. Inactive license

4 A. THE BOARD BY RULE MAY ESTABLISH PROCEDURES FOR A LICENSEE TO DELAY
5 RENEWAL OF THE LICENSE FOR GOOD CAUSE AND TO PLACE THE LICENSEE ON INACTIVE
6 STATUS. A PERSON ON INACTIVE STATUS SHALL NOT PRACTICE BEHAVIORAL HEALTH OR
7 CLAIM TO BE A LICENSEE.

8 B. A LICENSEE ON INACTIVE STATUS MAY REQUEST REINSTATEMENT OF THE
9 LICENSE TO ACTIVE STATUS BY SUBMITTING A LICENSE RENEWAL APPLICATION.

10 32-3279. Probationary and temporary licenses

11 A. IF AN APPLICANT DOES NOT MEET THE BASIC REQUIREMENTS FOR LICENSURE
12 PRESCRIBED IN SECTION 32-3275, THE BOARD MAY ISSUE A PROBATIONARY LICENSE
13 THAT IS SUBJECT TO ANY OF THE FOLLOWING:

- 14 1. A REQUIREMENT THAT THE LICENSEE'S PRACTICE BE SUPERVISED.
- 15 2. A RESTRICTION ON THE LICENSEE'S PRACTICE.
- 16 3. A REQUIREMENT THAT THE LICENSEE BEGIN OR CONTINUE MEDICAL OR
17 PSYCHIATRIC TREATMENT.
- 18 4. A REQUIREMENT THAT THE LICENSEE PARTICIPATE IN A SPECIFIED
19 REHABILITATION PROGRAM.
- 20 5. A REQUIREMENT THAT THE LICENSEE ABSTAIN FROM ALCOHOL AND OTHER
21 DRUGS.

22 B. IF THE BOARD OFFERS A PROBATIONARY LICENSE, THE BOARD SHALL NOTIFY
23 THE APPLICANT IN WRITING OF THE:

- 24 1. APPLICANT'S SPECIFIC DEFICIENCIES.
- 25 2. PROBATIONARY PERIOD.
- 26 3. APPLICANT'S RIGHT TO REJECT THE TERMS OF PROBATION.
- 27 4. APPLICANT'S RIGHT TO A HEARING ON THE BOARD'S DENIAL OF THE
28 APPLICATION.

29 C. THE BOARD BY RULE MAY PRESCRIBE A PROCEDURE TO ISSUE TEMPORARY
30 LICENSES. AT A MINIMUM, THESE RULES MUST INCLUDE THE FOLLOWING PROVISIONS:

- 31 1. A PERSON ISSUED A TEMPORARY LICENSE MAY PRACTICE BEHAVIORAL HEALTH
32 ONLY UNDER THE DIRECT SUPERVISION OF A LICENSEE.
- 33 2. A TEMPORARY LICENSE EXPIRES ON THE DATE SPECIFIED BY THE BOARD AND
34 NOT MORE THAN ONE YEAR AFTER THE DATE OF ISSUANCE.
- 35 3. A TEMPORARY LICENSE MAY CONTAIN RESTRICTIONS AS TO TIME, PLACE AND
36 SUPERVISION THAT THE BOARD DEEMS APPROPRIATE.
- 37 4. THE BOARD MAY SUMMARILY REVOKE A TEMPORARY LICENSE WITHOUT A
38 HEARING.
- 39 5. THE BOARD'S DENIAL OF A LICENSURE APPLICATION TERMINATES A
40 TEMPORARY LICENSE.

41 32-3280. Fingerprinting

42 A. AN APPLICANT FOR LICENSURE UNDER THIS ARTICLE OTHER THAN FOR A
43 TEMPORARY LICENSE, MUST SUBMIT A FULL SET OF FINGERPRINTS TO THE BOARD, AT
44 THE APPLICANT'S OWN EXPENSE, FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL
45 CRIMINAL HISTORY RECORDS CHECK PURSUANT TO SECTION 41-1750 AND P.L. 92-544.

1 THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
2 FEDERAL BUREAU OF INVESTIGATION.

3 B. AS A CONDITION OF RENEWING A LICENSE, A PERSON LICENSED PURSUANT
4 TO THIS CHAPTER WHO HAS NOT PREVIOUSLY DONE SO MUST SUBMIT A FULL SET OF
5 FINGERPRINTS TO THE BOARD, AT THE LICENSEES' OWN EXPENSE, FOR THE PURPOSE OF
6 OBTAINING A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK PURSUANT TO
7 SECTION 41-1750 AND P.L. 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY
8 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. THE
9 BOARD SHALL PROVIDE WRITTEN NOTICE OF THIS REQUIREMENT TO ALL LICENSEES AT
10 LEAST SIX MONTHS BEFORE EACH LICENSEE'S EXPIRATION DATE.

11 C. THE BOARD SHALL WAIVE THE RECORDS CHECK REQUIRED IN SUBSECTIONS A
12 AND B OF THIS SECTION FOR AN APPLICANT OR LICENSEE PROVIDING EVIDENCE
13 ACCEPTABLE TO THE BOARD THAT THE APPLICANT OR LICENSEE HOLDS A CURRENT CLASS
14 1 OR CLASS 2 FINGERPRINT CLEARANCE CARD ISSUED BY THE DEPARTMENT OF PUBLIC
15 SAFETY.

16 Sec. 16. Delayed repeal

17 Section 32-3281, Arizona Revised Statutes, is repealed from and after
18 June 30, 2004.

19 Sec. 17. Title 32, chapter 33, article 4, Arizona Revised Statutes,
20 is amended by adding a new section 32-3281, to read:

21 32-3281. Disciplinary action; hearings; civil penalty; appeal

22 A. A CREDENTIALING COMMITTEE, ON ITS OWN MOTION OR ON A COMPLAINT, MAY
23 INVESTIGATE ANY EVIDENCE THAT APPEARS TO SHOW THAT A LICENSEE IS OR MAY BE
24 INCOMPETENT, IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT OR IS OR MAY BE
25 MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIORAL
26 HEALTH. AS PART OF ITS INVESTIGATION, A CREDENTIALING COMMITTEE MAY HOLD AN
27 INVESTIGATIONAL MEETING PURSUANT TO THIS CHAPTER. ANY PERSON MAY, AND A
28 LICENSEE AND ANY ENTITY LICENSED BY THE OFFICE OF BEHAVIORAL HEALTH LICENSURE
29 SHALL, REPORT TO THE BOARD ANY INFORMATION THAT WOULD CAUSE A REASONABLE
30 LICENSEE TO BELIEVE THAT ANOTHER LICENSEE IS GUILTY OF UNPROFESSIONAL CONDUCT
31 OR IS PHYSICALLY OR MENTALLY UNABLE TO PROVIDE BEHAVIORAL HEALTH SERVICES
32 COMPETENTLY OR SAFELY. ANY PERSON OR ENTITY THAT REPORTS OR PROVIDES
33 INFORMATION TO THE BOARD IN GOOD FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL
34 DAMAGES. IT IS AN ACT OF UNPROFESSIONAL CONDUCT FOR ANY LICENSEE TO FAIL TO
35 REPORT AS REQUIRED BY THIS SECTION. THE BOARD SHALL REPORT TO THE OFFICE OF
36 BEHAVIORAL HEALTH LICENSURE IN THE DEPARTMENT OF HEALTH SERVICES ANY ENTITY
37 LICENSED BY THE OFFICE OF BEHAVIORAL HEALTH LICENSURE THAT FAILS TO REPORT
38 AS REQUIRED BY THIS SECTION.

39 B. A CREDENTIALING COMMITTEE SHALL REQUIRE ANY COMBINATION OF MENTAL,
40 PHYSICAL OR ORAL OR WRITTEN COMPETENCY EXAMINATIONS, AT THE LICENSEES' OWN
41 EXPENSE, AND CONDUCT NECESSARY INVESTIGATIONS, INCLUDING INVESTIGATIONAL
42 INTERVIEWS BETWEEN REPRESENTATIVES OF THE BOARD AND THE LICENSEE, TO FULLY
43 INFORM ITSELF WITH RESPECT TO ANY INFORMATION FILED WITH THE BOARD UNDER
44 SUBSECTION A OF THIS SECTION. THESE EXAMINATIONS MAY INCLUDE BIOLOGICAL
45 FLUID TESTING. THE CREDENTIALING COMMITTEE MAY REQUIRE THE LICENSEE, AT THE

1 LICENSEE'S EXPENSE, TO UNDERGO ASSESSMENT BY A REHABILITATIVE, RETRAINING OR
2 ASSESSMENT PROGRAM APPROVED BY THE CREDENTIALING COMMITTEE.

3 C. IF THE BOARD FINDS, BASED ON THE INFORMATION RECEIVED PURSUANT TO
4 SUBSECTION A OR B OF THIS SECTION, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE
5 IMPERATIVELY REQUIRES EMERGENCY ACTION, AND INCORPORATES A FINDING TO THAT
6 EFFECT IN ITS ORDER, THE BOARD MAY RESTRICT, LIMIT OR ORDER A SUMMARY
7 SUSPENSION OF A LICENSE PENDING PROCEEDINGS FOR REVOCATION OR OTHER ACTION.
8 IF THE BOARD TAKES ACTION PURSUANT TO THIS SUBSECTION, IT MUST ALSO SERVE THE
9 LICENSEE WITH A WRITTEN NOTICE THAT STATES THE CHARGES AND THAT THE LICENSEE
10 IS ENTITLED TO A FORMAL HEARING BEFORE THE BOARD OR AN ADMINISTRATIVE LAW
11 JUDGE WITHIN SIXTY DAYS.

12 D. IF AFTER COMPLETING AN INVESTIGATIONAL MEETING THE CREDENTIALING
13 COMMITTEE FINDS THAT THE INFORMATION PROVIDED IS NOT OF SUFFICIENT
14 SERIOUSNESS TO MERIT DISCIPLINARY ACTION AGAINST THE LICENSEE, THE
15 CREDENTIALING COMMITTEE SHALL RECOMMEND EITHER OF THE FOLLOWING ACTIONS TO
16 THE BOARD:

17 1. DISMISS IF, IN THE OPINION OF THE CREDENTIALING COMMITTEE, THE
18 COMPLAINT IS WITHOUT MERIT.

19 2. FILE A LETTER OF CONCERN AND DISMISS THE COMPLAINT.

20 E. IF AFTER COMPLETING ITS INVESTIGATION THE CREDENTIALING COMMITTEE
21 BELIEVES THAT THE INFORMATION IS OR MAY BE TRUE, THE CREDENTIALING COMMITTEE
22 CAN RECOMMEND THAT THE BOARD ENTER INTO A CONSENT AGREEMENT WITH THE LICENSEE
23 TO LIMIT OR RESTRICT THE LICENSEE'S PRACTICE OR TO REHABILITATE THE LICENSEE,
24 PROTECT THE PUBLIC AND ENSURE THE LICENSEE'S ABILITY TO SAFELY ENGAGE IN THE
25 PRACTICE OF BEHAVIORAL HEALTH. A CONSENT AGREEMENT MAY ALSO REQUIRE THE
26 LICENSEE TO SUCCESSFULLY COMPLETE A BOARD APPROVED REHABILITATIVE, RETRAINING
27 OR ASSESSMENT PROGRAM.

28 F. IF ON RECEIPT OF A CREDENTIALING COMMITTEE'S RECOMMENDATION THE
29 BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO SUBSECTION A OF THIS
30 SECTION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT DIRECT ACTION AGAINST THE
31 LICENSEE, THE BOARD MAY TAKE EITHER OF THE FOLLOWING ACTIONS:

32 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE COMPLAINT IS WITHOUT
33 MERIT.

34 2. FILE A LETTER OF CONCERN AND DISMISS THE COMPLAINT. THE LICENSEE
35 MAY FILE A WRITTEN RESPONSE WITH THE BOARD WITHIN THIRTY DAYS AFTER THE
36 LICENSEE RECEIVES THE LETTER OF CONCERN.

37 G. IF ON RECEIPT OF A CREDENTIALING COMMITTEE'S RECOMMENDATION THE
38 BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO SUBSECTION A OF THIS
39 SECTION IS OR MAY BE TRUE, THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE
40 LICENSEE TO LIMIT OR RESTRICT THE LICENSEE'S PRACTICE OR TO REHABILITATE THE
41 LICENSEE, PROTECT THE PUBLIC AND ENSURE THE LICENSEE'S ABILITY TO SAFELY
42 ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH. THE BOARD MAY ALSO REQUIRE THE
43 LICENSEE TO SUCCESSFULLY COMPLETE A BOARD APPROVED REHABILITATIVE, RETRAINING
44 OR ASSESSMENT PROGRAM.

1 H. IF ON RECEIPT OF A CREDENTIALING COMMITTEE'S RECOMMENDATION THE
2 BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO SUBSECTION A OF THIS
3 SECTION IS OR MAY BE TRUE, THE BOARD MAY REQUEST A FORMAL INTERVIEW WITH THE
4 LICENSEE. IF THE LICENSEE REFUSES THE INVITATION FOR A FORMAL INTERVIEW OR
5 ACCEPTS AND THE RESULTS INDICATE THAT GROUNDS MAY EXIST FOR REVOCATION OR
6 SUSPENSION OF THE LICENSEE'S LICENSE FOR MORE THAN TWELVE MONTHS, THE BOARD
7 SHALL ISSUE A FORMAL COMPLAINT AND ORDER THAT A HEARING BE HELD PURSUANT TO
8 TITLE 41, CHAPTER 6, ARTICLE 10. IF AFTER COMPLETING A FORMAL INTERVIEW THE
9 BOARD FINDS THAT THE PROTECTION OF THE PUBLIC REQUIRES EMERGENCY ACTION, THE
10 BOARD MAY ORDER A SUMMARY SUSPENSION OF THE LICENSEE'S LICENSE PENDING FORMAL
11 REVOCATION PROCEEDINGS OR OTHER ACTION AUTHORIZED BY THIS SECTION.

12 I. IF AFTER COMPLETING THE FORMAL INTERVIEW THE BOARD FINDS THE
13 INFORMATION PROVIDED IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT SUSPENSION FOR
14 MORE THAN TWELVE MONTHS OR REVOCATION OF THE LICENSE, THE BOARD MAY TAKE THE
15 FOLLOWING ACTIONS:

16 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE INFORMATION IS WITHOUT
17 MERIT.

18 2. FILE A LETTER OF CONCERN AND DISMISS THE COMPLAINT. THE LICENSEE
19 MAY FILE A WRITTEN RESPONSE WITH THE BOARD WITHIN THIRTY DAYS AFTER THE
20 LICENSEE RECEIVES THE LETTER OF CONCERN.

21 3. ISSUE A DECREE OF CENSURE. A DECREE OF CENSURE IS AN OFFICIAL
22 ACTION AGAINST THE LICENSEE'S LICENSE AND MAY INCLUDE A REQUIREMENT FOR
23 RESTITUTION OF FEES TO A CLIENT RESULTING FROM VIOLATIONS OF THIS CHAPTER OR
24 RULES ADOPTED PURSUANT TO THIS CHAPTER.

25 4. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE
26 PUBLIC HEALTH AND SAFETY AND REHABILITATE OR EDUCATE THE LICENSEE CONCERNED.
27 PROBATION MAY INCLUDE TEMPORARY SUSPENSION NOT TO EXCEED TWELVE MONTHS,
28 RESTRICTION OF THE LICENSEE'S LICENSE TO PRACTICE BEHAVIORAL HEALTH, A
29 REQUIREMENT FOR RESTITUTION OF FEES TO A CLIENT OR EDUCATION OR
30 REHABILITATION AT THE LICENSEE'S OWN EXPENSE. IF A LICENSEE FAILS TO COMPLY
31 WITH THE TERMS OF PROBATION, THE BOARD SHALL SERVE THE LICENSEE WITH A
32 WRITTEN NOTICE THAT STATES THAT THE LICENSEE IS SUBJECT TO A FORMAL HEARING
33 BASED ON THE INFORMATION CONSIDERED BY THE BOARD AT THE FORMAL INTERVIEW AND
34 ANY OTHER ACTS OR CONDUCT ALLEGED TO BE IN VIOLATION OF THIS CHAPTER OR RULES
35 ADOPTED BY THE BOARD PURSUANT TO THIS CHAPTER, INCLUDING NONCOMPLIANCE WITH
36 THE TERMS OF PROBATION OR A CONSENT AGREEMENT.

37 J. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED IN SUBSECTION A
38 OR H OF THIS SECTION WARRANTS SUSPENSION OR REVOCATION OF A LICENSE ISSUED
39 UNDER THIS CHAPTER, THE BOARD SHALL INITIATE FORMAL PROCEEDINGS PURSUANT TO
40 TITLE 41, CHAPTER 6, ARTICLE 10.

41 K. IN A FORMAL INTERVIEW PURSUANT TO SUBSECTION H OF THIS SECTION OR
42 IN A HEARING PURSUANT TO SUBSECTION J OF THIS SECTION, THE BOARD IN ADDITION
43 TO ANY OTHER ACTION MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND
44 DOLLARS FOR EACH VIOLATION OF THIS CHAPTER OR A RULE ADOPTED UNDER THIS
45 CHAPTER.

1 L. A LETTER OF CONCERN IS A PUBLIC DOCUMENT.

2 M. A LICENSEE WHO AFTER A FORMAL HEARING IS FOUND BY THE BOARD TO BE
3 GUILTY OF UNPROFESSIONAL CONDUCT, TO BE MENTALLY OR PHYSICALLY UNABLE TO
4 SAFELY ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH OR TO BE PROFESSIONALLY
5 INCOMPETENT IS SUBJECT TO CENSURE, PROBATION AS PROVIDED IN THIS SECTION,
6 SUSPENSION OF LICENSE OR REVOCATION OF LICENSE OR ANY COMBINATION OF THESE,
7 INCLUDING A STAY OF ACTION, AND FOR A PERIOD OF TIME OR PERMANENTLY AND UNDER
8 CONDITIONS AS THE BOARD DEEMS APPROPRIATE FOR THE PROTECTION OF THE PUBLIC
9 HEALTH AND SAFETY AND JUST IN THE CIRCUMSTANCE. THE BOARD MAY CHARGE ALL
10 COSTS INCURRED IN THE COURSE OF THE INVESTIGATION AND FORMAL HEARING TO THE
11 LICENSEE IT FINDS IS IN VIOLATION OF THIS CHAPTER. THE BOARD SHALL DEPOSIT,
12 PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES COLLECTED PURSUANT TO THIS
13 SUBSECTION IN THE BOARD OF BEHAVIORAL HEALTH EXAMINERS FUND ESTABLISHED BY
14 SECTION 32-3254.

15 N. IF THE BOARD DURING THE COURSE OF ANY INVESTIGATION DETERMINES THAT
16 A CRIMINAL VIOLATION MAY HAVE OCCURRED INVOLVING THE DELIVERY OF BEHAVIORAL
17 HEALTH SERVICES, THE BOARD SHALL MAKE THE EVIDENCE OF VIOLATIONS AVAILABLE
18 TO THE APPROPRIATE CRIMINAL JUSTICE AGENCY FOR ITS CONSIDERATION.

19 O. THE BOARD SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
20 ALL MONIES COLLECTED FROM CIVIL PENALTIES PAID PURSUANT TO THIS CHAPTER IN
21 THE STATE GENERAL FUND.

22 P. NOTICE OF A COMPLAINT AND HEARING IS EFFECTIVE BY A TRUE COPY OF
23 THE NOTICE BEING SENT BY CERTIFIED MAIL TO THE LICENSEE'S LAST KNOWN ADDRESS
24 OF RECORD IN THE BOARD'S FILES. NOTICE OF THE COMPLAINT AND HEARING IS
25 COMPLETE ON THE DATE OF ITS DEPOSIT IN THE MAIL.

26 Q. IN DETERMINING THE APPROPRIATE DISCIPLINARY ACTION UNDER THIS
27 SECTION, THE BOARD SHALL CONSIDER ALL PREVIOUS NONDISCIPLINARY AND
28 DISCIPLINARY ACTIONS AGAINST A LICENSEE.

29 R. THE BOARD MAY DEFER ACTION WITH REGARD TO AN IMPAIRED LICENSEE WHO
30 VOLUNTARILY SIGNS AN AGREEMENT, IN A FORM SATISFACTORY TO THE BOARD, AGREEING
31 TO PRACTICE RESTRICTIONS AND TREATMENT AND MONITORING PROGRAMS DEEMED
32 NECESSARY BY THE BOARD TO PROTECT THE PUBLIC HEALTH AND SAFETY. A LICENSEE
33 WHO IS IMPAIRED AND WHO DOES NOT AGREE TO ENTER INTO AN AGREEMENT WITH THE
34 BOARD IS SUBJECT TO OTHER ACTION AS PROVIDED PURSUANT TO THIS CHAPTER.

35 S. SUBJECT TO AN ORDER DULY ENTERED BY THE BOARD, A PERSON WHOSE
36 LICENSE TO PRACTICE BEHAVIORAL HEALTH HAS BEEN SUSPENDED OR RESTRICTED
37 PURSUANT TO THIS CHAPTER, WHETHER VOLUNTARILY OR BY ACTION OF THE BOARD, MAY
38 AT REASONABLE INTERVALS APPLY TO THE BOARD FOR REINSTATEMENT OF THE LICENSE.
39 THE PERSON SHALL SUBMIT THE APPLICATION IN WRITING AND IN THE FORM PRESCRIBED
40 BY THE BOARD. AFTER CONDUCTING AN INVESTIGATION AND HEARING, THE BOARD MAY
41 GRANT OR DENY THE APPLICATION OR MODIFY THE ORIGINAL FINDING TO REFLECT ANY
42 CIRCUMSTANCES THAT HAVE CHANGED SUFFICIENTLY TO WARRANT MODIFICATION. THE
43 BOARD MAY REQUIRE THE APPLICANT TO PASS AN EXAMINATION, COMPLETE BOARD
44 IMPOSED CONTINUING EDUCATION REQUIREMENTS OR ANY OTHER SANCTIONS THE BOARD
45 DEEMS APPROPRIATE FOR REENTRY INTO THE PRACTICE OF BEHAVIORAL HEALTH.

1 T. A PERSON WHOSE LICENSE IS REVOKED, SUSPENDED OR NOT RENEWED MUST
2 RETURN THE LICENSE TO THE OFFICES OF THE BOARD WITHIN TEN DAYS AFTER NOTICE
3 OF THAT ACTION.

4 U. THE BOARD MAY ENFORCE A CIVIL PENALTY IMPOSED PURSUANT TO THIS
5 SECTION IN THE SUPERIOR COURT IN MARICOPA COUNTY.

6 Sec. 18. Section 32-3282, Arizona Revised Statutes, is amended to
7 read:

8 32-3282. Right to examine and copy evidence; summoning
9 witnesses and documents; taking testimony; right to
10 counsel

11 A. In connection with ~~an investigation by a credentialing committee~~
12 ~~on its own motion~~, the INFORMATION RECEIVED PURSUANT TO SECTION 32-3281,
13 SUBSECTION A, THE BOARD OR A credentialing committee or its THE BOARD'S OR
14 COMMITTEE'S authorized agents or employees at all reasonable times shall have
15 access to, for the purpose of examination, and the right to copy any
16 PSYCHOTHERAPY NOTES, documents, reports, records or any other physical
17 evidence of any person being investigated, or the reports, records and any
18 other documents maintained by and in possession of any hospital, clinic,
19 physician's office, laboratory, pharmacy or health care institution as
20 defined in section 36-401 or any other public or private agency, if the
21 PSYCHOTHERAPY NOTES, documents, reports, records or evidence relate TO THE
22 UNAUTHORIZED PRACTICE OF BEHAVIORAL HEALTH OR to the competence,
23 unprofessional practice CONDUCT or mental or physical ability of a certified
24 behavioral health professional LICENSEE to safely practice.

25 B. For the purpose of all investigations and proceedings conducted by
26 a credentialing committee:

27 1. The BOARD OR A credentialing committee on its own initiative ~~or on~~
28 ~~application of any person involved in the investigation~~ may issue subpoenas
29 compelling the attendance and testimony of witnesses or demanding the
30 production for examination or copying of documents or any other physical
31 evidence if the evidence relates TO THE UNAUTHORIZED PRACTICE OF BEHAVIORAL
32 HEALTH OR to the competence, unprofessional practice CONDUCT or mental or
33 physical ability of a certified behavioral health professional LICENSEE to
34 safely practice. Within five days after the service of a subpoena on any
35 person requiring the production of any evidence in his THAT PERSON'S
36 possession or under his THAT PERSON'S control, the person may petition THE
37 BOARD OR the credentialing committee to revoke, limit or modify the
38 subpoena. The BOARD OR THE credentialing committee shall revoke, limit or
39 modify a subpoena if in its opinion the evidence required does not relate to
40 unlawful practices covered by this chapter or is not relevant to the charge
41 which THAT is the subject matter of the hearing or investigation or the
42 subpoena does not describe with sufficient particularity the physical
43 evidence required to be produced. ANY MEMBER OF THE BOARD OR A CREDENTIALING
44 COMMITTEE AND ANY AGENT DESIGNATED BY THE BOARD MAY ADMINISTER OATHS, EXAMINE
45 WITNESSES AND RECEIVE EVIDENCE.

1 2. Any person appearing before the BOARD OR A credentialing committee
2 may be represented by counsel.

3 3. The superior court, on application by the BOARD OR A credentialing
4 committee or by the person subpoenaed, has jurisdiction to issue an order
5 either:

6 (a) Requiring the person to appear before the BOARD OR A credentialing
7 committee or the authorized agent to produce evidence relating to the matter
8 under investigation.

9 (b) Revoking, limiting or modifying the subpoena if in the court's
10 opinion the evidence demanded does not relate to unlawful practices covered
11 by this chapter or is not relevant to grounds for disciplinary action which
12 THAT are the subject matter of the hearing or investigation or the subpoena
13 does not describe with sufficient particularity the physical evidence
14 required to be produced. Any failure to obey an order of the court may be
15 punished by the court as contempt.

16 C. Records, including clinical records, reports, files or other
17 reports or oral statements relating to examinations, findings or treatments
18 of clients, any information from which a client or his THE CLIENT'S family
19 might be identified or information received and records kept by THE BOARD OR
20 a credentialing committee as a result of the investigation procedure
21 prescribed by this chapter are not available to the public.

22 D. ~~Nothing in This section or AND any other provision of law making~~
23 ~~THAT MAKES~~ communications between a ~~certified behavioral health professional~~
24 ~~LICENSEE~~ and his THE LICENSEE'S client a privileged communication applies
25 DOES NOT APPLY to investigations or proceedings conducted pursuant to this
26 chapter. The BOARD AND A credentialing committee and its THE BOARD'S AND
27 COMMITTEE'S employees, agents and representatives shall keep in confidence
28 the names of any clients whose records are reviewed during the course of
29 investigations and proceedings pursuant to this chapter.

30 Sec. 19. Section 32-3283, Arizona Revised Statutes, is amended to
31 read:

32 32-3283. Privileged communications; clients with legal
33 guardians; treatment decisions

34 A. In any legal action a ~~certified behavioral health professional~~
35 ~~LICENSEE~~ shall not, without the consent of his THE LICENSEE'S client, be
36 examined as to any communication made by the client to him THE LICENSEE or
37 as to any such knowledge obtained with respect to personnel dealing with the
38 client. Unless the client has waived the behavioral health
39 professional-client privilege in writing or in court testimony, a ~~behavioral~~
40 ~~health professional shall~~ LICENSEE IS not be required to divulge, nor AND
41 shall he NOT voluntarily divulge, information which he THAT THE LICENSEE
42 received by reason of the confidential nature of his THE LICENSEE'S practice
43 as a behavioral health professional except that he THE LICENSEE shall divulge
44 to the board any information it subpoenas in connection with an
45 investigation, public hearing or other proceeding. The behavioral health

1 professional-client privilege shall DOES not extend to cases in which the
2 behavioral health professional LICENSEE has a:

3 1. Duty to report nonaccidental injuries and physical neglect of
4 minors as required by section 13-3620.

5 2. DUTY TO REPORT UNPROFESSIONAL CONDUCT BY ANOTHER LICENSEE PURSUANT
6 TO THIS CHAPTER.

7 3. DUTY TO INFORM VICTIMS AND APPROPRIATE AUTHORITIES THAT A CLIENT'S
8 CONDITION INDICATES A CLEAR AND IMMINENT DANGER TO THE CLIENT OR OTHERS
9 PURSUANT TO THIS CHAPTER.

10 B. A CLIENT'S LEGAL GUARDIAN MAY MAKE TREATMENT DECISIONS ON BEHALF
11 OF THE CLIENT, EXCEPT THAT THE CLIENT RECEIVING SERVICES IS THE DECISION
12 MAKER FOR ISSUES:

13 1. THAT DIRECTLY AFFECT THE CLIENT'S PHYSICAL OR EMOTIONAL SAFETY,
14 SUCH AS SEXUAL OR OTHER EXPLOITATIVE RELATIONSHIPS.

15 2. THAT THE GUARDIAN AGREES TO SPECIFICALLY RESERVE TO THE CLIENT.

16 3. WHERE THE RIGHT TO SEEK BEHAVIORAL HEALTH SERVICES WITHOUT PARENTAL
17 OR GUARDIAN CONSENT IS ESTABLISHED BY STATE OR FEDERAL LAW.

18 Sec. 20. Section 32-3284, Arizona Revised Statutes, is amended to
19 read:

20 32-3284. Cease and desist orders; injunctions

21 A. The board or a credentialing committee may issue a cease and desist
22 order or request that an injunction be issued by the superior court against
23 ~~a person who is not certified pursuant to this chapter and represents himself~~
24 ~~as a certified behavioral health professional or who continues to represent~~
25 ~~himself as a certified behavioral health professional while his certificate~~
26 ~~is expired, suspended or revoked~~ TO STOP A PERSON FROM ENGAGING IN THE
27 UNAUTHORIZED PRACTICE OF BEHAVIORAL HEALTH OR FROM VIOLATING OR THREATENING
28 TO VIOLATE A STATUTE, RULE OR ORDER THAT THE BOARD HAS ISSUED OR IS EMPOWERED
29 TO ENFORCE. IF THE BOARD SEEKS AN INJUNCTION TO STOP THE UNAUTHORIZED
30 PRACTICE OF BEHAVIORAL HEALTH, IT IS SUFFICIENT TO CHARGE THAT THE RESPONDENT
31 ON A DAY CERTAIN IN A NAMED COUNTY ENGAGED IN THE PRACTICE OF BEHAVIORAL
32 HEALTH WITHOUT A LICENSE AND WITHOUT BEING EXEMPT FROM THE LICENSURE
33 REQUIREMENTS OF THIS CHAPTER. IT IS NOT NECESSARY TO SHOW SPECIFIC DAMAGES
34 OR INJURY. THE CEASE AND DESIST ORDER MUST STATE THE REASON FOR ITS ISSUANCE
35 AND GIVE NOTICE OF THE PERSON'S RIGHT TO REQUEST A HEARING UNDER APPLICABLE
36 PROCEDURES PRESCRIBED IN TITLE 41, CHAPTER 6, ARTICLE 10.

37 B. VIOLATION OF AN INJUNCTION SHALL BE PUNISHED AS FOR CONTEMPT OF
38 COURT.

39 Sec. 21. Section 32-3286, Arizona Revised Statutes, is amended to
40 read:

41 32-3286. Unlawful practice; unlawful use of title; violation;
42 classification; civil penalty; exception

43 A. ~~A person who is not certified pursuant to this chapter and~~
44 ~~represents himself as a certified behavioral health professional or who~~
45 ~~continues to represent himself as a certified behavioral health professional~~

1 ~~while his certificate is expired, suspended or revoked or who while certified~~
2 ~~violates this chapter, rules adopted pursuant to this chapter or a lawful~~
3 ~~order of the board or a credentialing committee is guilty of a class 2~~
4 ~~misdemeanor.~~

5 A. EXCEPT AS PRESCRIBED IN SECTION 32-3271, A PERSON NOT LICENSED
6 PURSUANT TO THIS CHAPTER SHALL NOT ENGAGE IN THE PRACTICE OF BEHAVIORAL
7 HEALTH.

8 B. A PERSON NOT LICENSED PURSUANT TO THIS CHAPTER SHALL NOT USE ANY
9 OF THE FOLLOWING DESIGNATIONS OR ANY OTHER DESIGNATION THAT INDICATES
10 LICENSURE STATUS, INCLUDING ABBREVIATIONS, OR CLAIM TO BE LICENSED PURSUANT
11 TO THIS CHAPTER:

- 12 1. LICENSED PROFESSIONAL COUNSELOR.
- 13 2. LICENSED ASSOCIATE COUNSELOR.
- 14 3. LICENSED MARRIAGE AND FAMILY THERAPIST.
- 15 4. LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST.
- 16 5. LICENSED CLINICAL SOCIAL WORKER.
- 17 6. LICENSED MASTER SOCIAL WORKER.
- 18 7. LICENSED BACCALAUREATE SOCIAL WORKER.
- 19 8. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.
- 20 9. LICENSED ASSOCIATE SUBSTANCE ABUSE COUNSELOR.
- 21 10. LICENSED SUBSTANCE ABUSE TECHNICIAN.

22 C. A PERSON WHO VIOLATES THIS CHAPTER OR BOARD RULES BY ENGAGING IN
23 THE UNLICENSED PRACTICE OF BEHAVIORAL HEALTH OR CLAIMING TO BE LICENSED
24 PURSUANT TO THIS CHAPTER IS GUILTY OF A CLASS 2 MISDEMEANOR AND IS SUBJECT
25 TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE.

26 ~~B.~~ D. Each day that a violation is committed constitutes a separate
27 offense.

28 ~~C.~~ E. All fees received for services described in this section shall
29 be refunded by the person found guilty pursuant to this section.

30 F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION AND BASED ON
31 CIRCUMSTANCES PRESENTED TO THE BOARD, THE BOARD MAY SANCTION A PERSON'S
32 FAILURE TO TIMELY RENEW A LICENSE WHILE CONTINUING TO ENGAGE IN THE PRACTICE
33 OF BEHAVIORAL HEALTH AS AN ADMINISTRATIVE VIOLATION RATHER THAN AS A
34 VIOLATION OF THIS SECTION OR GROUNDS FOR UNPROFESSIONAL CONDUCT AND MAY
35 IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS. THE BOARD
36 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES COLLECTED
37 PURSUANT TO THIS SUBSECTION IN THE STATE GENERAL FUND.

38 Sec. 22. Section 32-3291, Arizona Revised Statutes, is amended to
39 read:

40 32-3291. Licensed baccalaureate social worker; licensure;
41 qualifications

42 A. A person who desires WISHES to be certified LICENSED by the board
43 to engage in THE PRACTICE OF social work practice as a certified LICENSED
44 baccalaureate social worker shall satisfy ~~all of the following requirements:~~

1 1. Furnish evidence satisfactory to the social work credentialing
2 committee that the person has earned a baccalaureate degree in social work
3 from a regionally accredited college or university in a program accredited
4 by the council on social work education or a degree from a foreign school
5 based on a program of study which THAT the board determines is substantially
6 equivalent.

7 2. Pass an examination approved by the social work credentialing
8 committee.

9 ~~3. Pay the prescribed fee.~~

10 B. A LICENSED BACCALAUREATE SOCIAL WORKER SHALL ONLY ENGAGE IN
11 CLINICAL PRACTICE UNDER DIRECT SUPERVISION AS PRESCRIBED BY THE BOARD.

12 C. A LICENSED BACCALAUREATE SOCIAL WORKER SHALL ONLY ENGAGE IN
13 NONCLINICAL PRACTICE UNDER DIRECT SUPERVISION AS PRESCRIBED BY THE BOARD
14 UNLESS THE LICENSED BACCALAUREATE SOCIAL WORKER HAS OBTAINED TWO YEARS OF
15 SUPERVISED WORK EXPERIENCE ACCEPTABLE TO THE BOARD.

16 Sec. 23. Section 32-3292, Arizona Revised Statutes, is amended to
17 read:

18 32-3292. Licensed master social worker; licensure;
19 qualifications

20 A. A person who desires WISHES to be certified LICENSED by the board
21 to engage in THE PRACTICE OF social work practice as a certified LICENSED
22 master social worker shall ~~satisfy all of the following requirements:~~

23 1. Furnish evidence satisfactory to the social work credentialing
24 committee that the person has earned a master's or higher degree in social
25 work from a regionally accredited college or university in a program
26 accredited by the council on social work education or a degree from a foreign
27 school based on a program of study which THAT the board determines is
28 substantially equivalent.

29 2. Pass an examination approved by the social work credentialing
30 committee.

31 ~~3. Pay the prescribed fee.~~

32 B. A LICENSED MASTER SOCIAL WORKER SHALL ONLY ENGAGE IN CLINICAL
33 PRACTICE UNDER DIRECT SUPERVISION AS PRESCRIBED BY THE BOARD.

34 Sec. 24. Section 32-3293, Arizona Revised Statutes, is amended to
35 read:

36 32-3293. Licensed clinical social worker; licensure;
37 qualifications

38 A. A person who desires WISHES to be certified LICENSED BY THE BOARD
39 to engage in independent THE PRACTICE OF social work practice as a certified
40 independent LICENSED CLINICAL social worker shall ~~satisfy all of the~~
41 ~~following requirements:~~

42 1. Furnish evidence satisfactory to the social work credentialing
43 committee that the person has:

44 (a) Earned a master's or higher degree in social work from a
45 regionally accredited college or university in a program accredited by the

1 council on social work education or a degree from a foreign school based on
2 a program of study which THAT the board determines is substantially
3 equivalent.

4 (b) RECEIVED at least two years of full-time or the equivalent
5 part-time post-master's degree experience under professional supervision
6 satisfactory to the social work credentialing committee.

7 2. Pass an examination approved by the social work credentialing
8 committee.

9 ~~3. Pay the prescribed fee.~~

10 ~~B. A certified independent social worker examination shall require~~
11 ~~demonstration of knowledge and skills in:~~

12 ~~1. Psychotherapy, including diagnosis, evaluation and treatment~~
13 ~~methods.~~

14 ~~2. Community services and social planning.~~

15 ~~3. Research or administration.~~

16 ~~C. A certified social worker shall be a certified independent social~~
17 ~~worker in order to practice social work independently.~~

18 Sec. 25. Delayed repeal

19 Section 32-3294, Arizona Revised Statutes, is repealed from and after
20 June 30, 2004.

21 Sec. 26. Section 32-3301, Arizona Revised Statutes, is amended to
22 read:

23 32-3301. Licensed professional counselor; licensure;
24 requirements

25 A. A person who desires WISHES to be certified LICENSED by the board
26 to engage in the practice of professional counseling as a certified LICENSED
27 professional counselor shall satisfy all of the following requirements:

28 1. Meet the education requirements of subsection B and the work
29 experience requirements of subsection C.

30 2. Pass an examination approved by the counseling credentialing
31 committee.

32 ~~3. Pay the prescribed fee.~~

33 B. An applicant for certification LICENSURE shall furnish evidence
34 satisfactory to the counseling credentialing committee that the person has
35 received either of the following:

36 1. A master's degree or higher degree with a major emphasis in
37 counseling from a regionally accredited college or university in a program
38 of study that includes a minimum of forty-eight semester credit hours or the
39 equivalent in a curriculum approved by the counseling credentialing
40 committee. BEGINNING ON JANUARY 1, 2008, THE PROGRAM OF STUDY MUST INCLUDE
41 A MINIMUM OF SIXTY SEMESTER CREDIT HOURS OR THE EQUIVALENT IN A CURRICULUM
42 APPROVED BY THE COUNSELING CREDENTIALING COMMITTEE.

43 2. A master's degree or higher degree with a major emphasis in
44 counseling from a program accredited by the council for the accreditation of
45 counseling and related educational programs or the national council on

1 rehabilitation education THAT INCLUDES A MINIMUM OF FORTY-EIGHT CREDIT HOURS
2 OR THE EQUIVALENT. BEGINNING ON JANUARY 1, 2008, THE PROGRAM MUST INCLUDE
3 A MINIMUM OF SIXTY SEMESTER CREDIT HOURS.

4 C. An applicant for certification LICENSURE shall furnish evidence
5 satisfactory to the counseling credentialing committee that the applicant has
6 received either of the following:

7 1. ~~If the applicant is complying with the education requirements of~~
8 ~~subsection B, paragraph 1, at least two years of full-time or the equivalent~~
9 ~~part-time post-master's degree work experience in the practice of~~
10 ~~professional counseling, including at least one year under the supervision~~
11 ~~of a certified professional counselor or a person who satisfies the education~~
12 ~~and experience requirements for certification as a certified professional~~
13 ~~counselor APPROVED BY THE CREDENTIALING COMMITTEE. An applicant may use a~~
14 ~~doctoral-clinical internship to satisfy the requirement for one year of WORK~~
15 ~~experience under supervision.~~

16 2. ~~If the applicant is complying with the education requirements of~~
17 ~~subsection B, paragraph 2, at least one year of full-time or the equivalent~~
18 ~~part-time post-master's degree work experience in the practice of~~
19 ~~professional counseling under the supervision of a certified professional~~
20 ~~counselor or a person who satisfies the education and work experience~~
21 ~~requirements for certification as a certified professional counselor. A~~
22 ~~doctoral-clinical internship does not satisfy the requirement for one year~~
23 ~~of work experience.~~

24 D. An applicant who is deficient in curricular areas OR CREDIT HOURS
25 required pursuant to subsection B, paragraph 1 PARAGRAPH 1 OR 2 may satisfy
26 the curriculum AND CREDIT HOURS requirements of that paragraph THOSE
27 PARAGRAPHS by successfully completing post-master's degree course work.

28 E. An applicant who completed a degree before July 1, 1989 and whose
29 course of study did not include a practicum may substitute a one year
30 doctoral-clinical internship or an additional year of documented
31 post-master's degree work experience in order to satisfy the requirements of
32 subsection B, paragraph 1. ~~The credentialing committee may also waive the~~
33 ~~forty-eight semester credit hours or equivalent credit hours requirement of~~
34 ~~subsection B, paragraph 1.~~

35 Sec. 27. Delayed repeal

36 Section 32-3302, Arizona Revised Statutes, is repealed from and after
37 June 30, 2004.

38 Sec. 28. Section 32-3303, Arizona Revised Statutes, is amended to
39 read:

40 32-3303. Licensed associate counselor; licensure; requirements;
41 supervision

42 A. A person who desires WISHES to be certified by the board LICENSED
43 BY THE BOARD TO ENGAGE IN THE PRACTICE OF PROFESSIONAL COUNSELING as a
44 certified LICENSED associate counselor shall satisfy the requirements of

1 section 32-3301, subsection A, paragraphs 2 and 3 and subsections B, D and
2 E AND PASS AN EXAMINATION APPROVED BY THE COUNSELING CREDENTIALING COMMITTEE.

3 B. A certified LICENSED associate counselor shall not ONLY practice
4 unless under the direct supervision of a certified or licensed behavioral
5 health professional AS PRESCRIBED BY THE BOARD.

6 Sec. 29. Section 32-3311, Arizona Revised Statutes, is amended to
7 read:

8 32-3311. Licensed marriage and family therapist; qualifications

9 A. A person who desires WISHES to provide marriage and family therapy
10 BE LICENSED BY THE BOARD TO ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY
11 THERAPY as a certified LICENSED marriage and family therapist shall satisfy
12 all of the following requirements:

13 1. furnish evidence satisfactory to the marriage and family therapy
14 credentialing committee BOARD that the person has:

15 (a) 1. Earned a master's or doctorate degree in behavioral science,
16 including, but not limited to, marriage and family therapy, psychology,
17 sociology, counseling and social work, granted by a regionally accredited
18 college or university in a program accredited by the commission on
19 accreditation for marriage and family therapy education or a degree based on
20 a program of study which THAT the board determines is substantially
21 equivalent.

22 (b) 2. Completed two years of full-time or the equivalent part-time
23 post-master's degree experience in the provision PRACTICE of marriage and
24 family therapy under supervision as approved by the marriage and family
25 therapy credentialing committee including a minimum of one thousand hours of
26 clinical experience with couples and families.

27 2. 3. Pass PASSED an examination approved by the marriage and family
28 therapy credentialing committee.

29 3. ~~Pay the prescribed fee.~~

30 B. The curriculum for the master's or doctorate degree in behavioral
31 science accepted by the board pursuant to subsection A, paragraph
32 1, subdivision (a), shall include a specified number of graduate courses as
33 approved by the marriage and family therapy credentialing committee and shall
34 be consistent with national standards of marriage and family therapy. Part
35 of this course of study may be taken in a post-master's degree program as
36 approved by the marriage and family therapy credentialing committee.

37 C. The one thousand hours of clinical experience required by
38 subsection A, paragraph 1, subdivision (b), 2 shall include a combination of
39 two hundred hours of group or individual supervision in the provision
40 PRACTICE of marriage and family therapy, a minimum of one hundred hours of
41 which shall be individual supervision. The one thousand hours may include
42 one year in an approved marriage and family internship program.

43 Sec. 30. Delayed repeal

44 Section 32-3312, Arizona Revised Statutes, is repealed from and after
45 June 30, 2004.

1 Sec. 31. Section 32-3313, Arizona Revised Statutes, is amended to
2 read:

3 32-3313. Licensed associate marriage and family therapist;
4 licensure; requirements; supervision

5 A. A person who desires WISHES to be certified LICENSED BY THE BOARD
6 TO ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY as an A LICENSED
7 associate marriage and family therapist shall satisfy the requirements of
8 section 32-3311, subsection A, paragraph 1, subdivision (a), subsection A,
9 paragraphs 2 and 1 AND 3 and subsections SUBSECTION B and C.

10 B. A certified LICENSED associate marriage and family therapist shall
11 not ONLY practice unless under the direct supervision of a certified or
12 licensed behavioral health professional AS PRESCRIBED BY THE BOARD.

13 Sec. 32. Delayed repeal

14 Title 32, chapter 33, article 8, Arizona Revised Statutes, is repealed
15 from and after June 30, 2004.

16 Sec. 33. Title 32, chapter 33, Arizona Revised Statutes, is amended
17 by adding a new article 8, to read:

18 ARTICLE 8. SUBSTANCE ABUSE COUNSELING

19 32-3321. Licensed substance abuse technician; associate
20 substance abuse counselor; licensed independent
21 substance abuse counselor; licensure;
22 qualifications; supervision

23 A. A PERSON WHO WISHES TO BE LICENSED BY THE BOARD TO ENGAGE IN THE
24 PRACTICE OF SUBSTANCE ABUSE COUNSELING AS A LICENSED SUBSTANCE ABUSE
25 TECHNICIAN SHALL PRESENT EVIDENCE SATISFACTORY TO THE BOARD THAT THE PERSON
26 HAS:

27 1. RECEIVED AN ASSOCIATE OF APPLIED SCIENCE DEGREE IN CHEMICAL
28 DEPENDENCY WITH AN EMPHASIS ON COUNSELING, AS DETERMINED BY THE SUBSTANCE
29 ABUSE CREDENTIALING COMMITTEE, FROM A REGIONALLY ACCREDITED COLLEGE OR
30 UNIVERSITY.

31 2. PASSED AN EXAMINATION APPROVED BY THE SUBSTANCE ABUSE CREDENTIALING
32 COMMITTEE.

33 B. A LICENSED SUBSTANCE ABUSE TECHNICIAN SHALL ONLY PRACTICE UNDER
34 DIRECT SUPERVISION AS PRESCRIBED BY THE BOARD.

35 C. THE BOARD MAY WAIVE THE EDUCATION REQUIREMENT FOR AN APPLICANT
36 REQUESTING LICENSURE AS A SUBSTANCE ABUSE TECHNICIAN IF THE APPLICANT
37 PROVIDES SERVICES PURSUANT TO CONTRACTS OR GRANTS WITH THE FEDERAL GOVERNMENT
38 UNDER THE AUTHORITY OF P.L. 93-638, 25 UNITED STATES CODE SECTIONS 450
39 THROUGH 450(n) OR P.L. 94-437, 25 UNITED STATES CODE SECTIONS 1601 THROUGH
40 1683. A PERSON WHO BECOMES LICENSED AS A SUBSTANCE ABUSE TECHNICIAN PURSUANT
41 TO THIS SUBSECTION SHALL ONLY PROVIDE SUBSTANCE ABUSE SERVICES TO THOSE
42 ELIGIBLE FOR SERVICES PURSUANT TO P.L. 93-638, 25 UNITED STATES CODE SECTIONS
43 450 THROUGH 450(n) OR P.L. 94-437, 25 UNITED STATES CODE SECTION 1601 THROUGH
44 1683.

1 D. A PERSON WHO WISHES TO BE LICENSED BY THE BOARD TO ENGAGE IN THE
2 PRACTICE OF SUBSTANCE ABUSE COUNSELING AS A LICENSED ASSOCIATE SUBSTANCE
3 ABUSE COUNSELOR SHALL PRESENT EVIDENCE SATISFACTORY TO THE BOARD THAT THE
4 PERSON HAS:

5 1. RECEIVED ONE OF THE FOLLOWING:

6 (a) A BACHELOR'S DEGREE IN A BEHAVIORAL SCIENCE WITH AN EMPHASIS ON
7 COUNSELING, AS DETERMINED BY THE SUBSTANCE ABUSE CREDENTIALING COMMITTEE,
8 FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY AND PRESENT EVIDENCE
9 SATISFACTORY TO THAT CREDENTIALING COMMITTEE THAT THE APPLICANT HAS RECEIVED
10 AT LEAST TWO YEARS OF WORK EXPERIENCE IN SUBSTANCE ABUSE COUNSELING UNDER
11 SUPERVISION APPROVED BY THE SUBSTANCE ABUSE CREDENTIALING COMMITTEE.

12 (b) A MASTER'S DEGREE OR A HIGHER DEGREE IN A BEHAVIORAL SCIENCE WITH
13 AN EMPHASIS ON COUNSELING, AS DETERMINED BY THE SUBSTANCE ABUSE CREDENTIALING
14 COMMITTEE, FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

15 2. PASSED AN EXAMINATION APPROVED BY THE SUBSTANCE ABUSE CREDENTIALING
16 COMMITTEE.

17 E. A LICENSED ASSOCIATE SUBSTANCE ABUSE COUNSELOR SHALL ONLY PRACTICE
18 UNDER DIRECT SUPERVISION AS PRESCRIBED BY THE BOARD.

19 F. A PERSON WHO WISHES TO BE LICENSED BY THE BOARD TO ENGAGE IN THE
20 PRACTICE OF SUBSTANCE ABUSE COUNSELING AS A LICENSED INDEPENDENT SUBSTANCE
21 ABUSE COUNSELOR SHALL:

22 1. HAVE RECEIVED A MASTER'S DEGREE OR HIGHER DEGREE IN A BEHAVIORAL
23 SCIENCE WITH AN EMPHASIS ON COUNSELING, AS DETERMINED BY THE SUBSTANCE ABUSE
24 CREDENTIALING COMMITTEE, FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

25 2. PRESENT EVIDENCE SATISFACTORY TO THE SUBSTANCE ABUSE CREDENTIALING
26 COMMITTEE THAT THE APPLICANT HAS RECEIVED AT LEAST TWO YEARS OF WORK
27 EXPERIENCE IN SUBSTANCE ABUSE COUNSELING UNDER SUPERVISION APPROVED BY THAT
28 COMMITTEE.

29 3. PASS AN EXAMINATION APPROVED BY THE SUBSTANCE ABUSE CREDENTIALING
30 COMMITTEE.

31 Sec. 34. Current certificate holders; transfer to licensure
32 status

33 A. The board of behavioral health examiners shall reclassify each
34 person who holds a valid certificate issued pursuant to title 32, chapter 33,
35 Arizona Revised Statutes, before July 1, 2004 as follows:

36 1. Certified associate counselors as licensed associate counselors.

37 2. Certified professional counselors as licensed professional
38 counselors.

39 3. Certified associate marriage and family therapists as licensed
40 associate marriage and family therapists.

41 4. Certified marriage and family therapists as licensed marriage and
42 family therapists.

43 5. Certified baccalaureate social workers as licensed baccalaureate
44 social workers.

1 6. Certified master social workers as licensed master social workers.
2 7. Certified independent social workers as licensed clinical social
3 workers.

4 8. Certified substance abuse counselors as licensed independent
5 substance abuse counselors.

6 B. A license issued pursuant to this section has the same expiration
7 date as the current certificate.

8 Sec. 35. Terms of board and credentialing committee members

9 Notwithstanding sections 32-3252 and 32-3261, Arizona Revised Statutes,
10 as amended by this act, a person who is serving as a member of the board of
11 behavioral health examiners or on a credentialing committee on July 1, 2004
12 is eligible to continue to serve until expiration of the person's current
13 term of office.

14 Sec. 36. Current alcohol and drug abuse counselors

15 Beginning on the effective date of this act and ending on June 30,
16 2004, a person who holds an active certified alcohol and drug abuse counselor
17 certification in good standing issued by the Arizona board for the
18 certification of addiction counselors or an active addiction counselor II or
19 addiction counselor III certification in good standing issued by the
20 southwest Indian substance abuse counselor certification board is deemed to
21 have met the education, work experience and examination requirements
22 prescribed by the board of behavioral health examiners by rule for
23 certification as a certified substance abuse counselor.

24 Sec. 37. Current level 1 alcohol and drug abuse counselors

25 Beginning on the effective date of this act and ending on June 30,
26 2004, a person who holds an active addiction counselor 1 certification in
27 good standing issued by the Arizona board for the certification of addiction
28 counselors or southwest Indian substance abuse counselor certification board
29 is deemed to have met the education and examination requirements prescribed
30 by the board of behavioral health examiners by rule for certification as a
31 certified substance abuse counselor.

32 Sec. 38. Social workers, professional counselors, marriage and
33 family therapists and substance abuse counselors;
34 status

35 Beginning on the effective date of this act and ending on June 30,
36 2004, the board of behavioral health examiners shall waive the examination
37 requirements of title 32, chapter 33, Arizona Revised Statutes, for an
38 applicant requesting certification as a certified baccalaureate social
39 worker, certified master social worker, certified independent social worker,
40 certified associate counselor, certified professional counselor, certified
41 associate marriage and family therapist, certified marriage and family
42 therapist or certified substance abuse counselor if the applicant meets all
43 of the following requirements:

44 1. Submits evidence satisfactory to the appropriate credentialing
45 committee that the applicant meets all other certification requirements.

1 2. Has been actively engaged in the practice of the behavioral health
2 profession for which the applicant is seeking certification and has work
3 experience that includes two years of full-time or the equivalent part-time
4 experience within a five year period immediately preceding the effective date
5 of this act.

6 3. Has obtained all of the required work experience in Arizona.

7 4. Has received the degree required for the level of certification
8 sought on or before June 30, 1998.

9 5. Pays the prescribed fee pursuant to title 32, chapter 33, Arizona
10 Revised Statutes.

11 Sec. 39. Exemption from rule making

12 The board of behavioral health professionals is exempt from the rule
13 making requirements of title 41, chapter 6, Arizona Revised Statutes, for one
14 year after June 30, 2004.

15 Sec. 40. Effective date

16 A. Sections 13-1418, 28-3005, 28-3153, 28-3315, 32-3251, 32-3252,
17 32-3253, 32-3261, 32-3262, 32-3271, 32-3272, 32-3273, 32-3274, 32-3282,
18 32-3283, 32-3284, 32-3286, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303,
19 32-3311 and 32-3313, Arizona Revised Statutes, as amended by this act, and
20 sections 32-3275 through 32-3281 and 32-3321, Arizona Revised Statutes, as
21 added by this act, are effective from and after June 30, 2004.

22 B. Section 10 of this act, relating to the heading change and section
23 34 of this act, relating to the transfer to licensure status of current
24 certificate holders, are effective from and after June 30, 2004.

APPROVED BY THE GOVERNOR APRIL 16, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2003.

Passed the House March 10, 2003

Passed the Senate April 8, 2003

by the following vote: 40 Ayes,

by the following vote: 28 Ayes,

16 Nays, 4 Not Voting

2 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Bellington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2206

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 10, 2003,

by the following vote: 48 Ayes,

10 Nays, 2 Not Voting

Jake Flake
Speaker of the House
Ferman L. Fyone
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10 day of April, 2003

at 1:00 o'clock P. M.

Sandra Ramirez
Secretary to the Governor

Approved this 16 day of

April, 2003,

at 11⁵⁰ o'clock A. M.

Jon R. Noriega
Governor of Arizona

H.B. 2206

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 2003

at 4:03 o'clock P. M.

James K. Bruner
Secretary of State